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ABSTRACTS OF THESES

SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY

VOLUME I

MADISON

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CONTENTS

	Page
INTRODUCTION.....	5
1. CRAFER, THOMAS WOODSIDE BENTLEY—Public Poor Relief in Wisconsin.....	7
2. GRAY, LEWIS CECIL—Plantation System in the Southern States during the Colonial Period.....	19
3. HOOTON, EARNEST ALBERT—The Pre-Hellenistic Stage in the Evolution of the Literary Art at Rome.....	35
4. JOHNSON, AXEL—Social and Economic Effects of Unemployment in Milwaukee during 1908-1909....	59
5. LOWRIE, SELDEN GALE—Classification of Industries under the Fourteenth Amendment of the Constitution.....	67
6. NOTZ, WILLIAM FREDERICK—The Masoretic Text of Nahum Critically Compared with the Ancient Version.....	73
7. SCHOLZ, RICHARD FREDERICK—Municipal and Feudal Tendencies in Roman Imperial Administration with Special Reference to the Edict of Caracalla.....	83
8. HILL, JOHN—A Contribution to Old Spanish Lexicography.....	109
9. SCHMITT, BERNADOTTE EVERLY—British Policy and the Treaty of Berlin, 1878-1887.....	137
10. PATZER, OTTO—Eustache Deschamps as a Commentator upon the Events and Conditions of His Time.....	151

INTRODUCTION

The present volume is the first of a series of thesis abstracts to be issued from the Graduate School of the University of Wisconsin in accordance with the following excerpts from the rules regarding candidacy for the degree of doctor of philosophy:

6. Abstract. At any time after approval of the thesis, the candidate may file with the Dean of the Graduate School either an abstract of the thesis, or a selected part thereof, certified by the major professor to be adequate for publication in lieu of the complete thesis.

7. Security for Publication. After filing such abstract or selected part, the candidate shall place with the University Bursar the sum of fifty dollars as a guaranty of prompt publication of his thesis. The sum so placed shall be held in trust by the Bursar for a period of not less than one year and shall be refunded to the candidate if, during such period, he shall deliver to the University Librarian the printed copies of his thesis prescribed in Sec. 8. At the expiration of the period thus prescribed, the Dean of the Graduate School may declare such fifty dollars to be forfeited to the fund for the publication of thesis abstracts and it shall be transferred to that fund by the Bursar.

8. The successful candidate is urged to put his thesis into print as promptly as possible and to deposit one hundred copies of the same in the University Library By approval of the major professor and the Dean of the Graduate School, publication and filing of an approved part of the thesis may be accepted in satisfaction of this requirement.

9. Recommendation to the Graduate Faculty that the doctor's degree be conferred upon the candidate will be made (a) upon absolving the requirements above set forth under Sec. 3, 4, 5, and 8 or (b) upon absolving the requirements of Sec. 3, 4, 5, 6, and making the deposit named under Sec. 7.

In accordance with the policy thus outlined, there are here presented the abstracts of certain theses not yet published in full. That the scope of each thesis and the results reached in it are in substance shown by the abstract is in each case certified by the professor in immediate charge.

PUBLIC POOR RELIEF

BY

THOMAS WOODSIDE BENTLEY CRAFER

ABSTRACT OF A THESIS PREPARED

UNDER THE DIRECTION OF PROFESSOR E. A. ROSS

1907

PUBLIC POOR RELIEF

THOMAS BENTLEY WOODSIDE CRAFER

I. ORGANIZATION

The beginnings of the system of public poor relief in Wisconsin and Minnesota date from the third of January, 1838, when the legislature of the Territory of Wisconsin passed an act making provision for the support and relief of the poor. According to this act, the entire and exclusive superintendence of the poor was vested in the boards of the county commissioners within their respective counties.

In the year 1849, one year after Wisconsin was admitted as a state, an act was passed by her legislature which provided for both the town and the county systems of poor relief. From 1849 to the present time several important amendments have been made to the general poor relief laws.

After Wisconsin was admitted to statehood, the remaining part of the former Territory of Wisconsin became organized as the Territory of Minnesota.

The poor relief laws in force in the Territory of Wisconsin were retained by the Territory of Minnesota until 1858, and, also, by the State of Minnesota until the year 1864. In that year the legislature passed an act which very materially modified the old territorial laws relating to public poor relief; but the county system of relief alone prevailed until the year 1889, when an act was passed making it optional whether the town or the county system of relief should be adopted.

At the present time, therefore, both the town and the county systems of public poor relief exist in Wisconsin and Minnesota. The changes in the poor relief laws of Minnesota have been but slight since 1889.

The similarity between the general poor relief laws of the two states are particularly noticeable in the following respects:

1. Rules concerning the establishment of legal residence.
2. Provisions for binding out minors.
3. Legal machinery for adjusting poor relief claims.
4. Penalty for the importation of paupers.

The chief points of difference between the poor laws of the two states are as follows:

1. Liability of relatives for the support of an indigent person.

In Minnesota, the laws hold children, parents, brothers and sisters, grandchildren and grandparents of the dependent person liable for his maintenance, whereas the laws of Wisconsin hold parents, children, husband or wife of a dependent liable for his support.

2. Classes that may be committed to almshouses.

The laws of Wisconsin absolutely prohibit the commitment to an almshouse of any child over five of sound body and mind, whereas the laws of Minnesota only allow the commitment of such child to an almshouse upon the condition that there is no room for him in the state public school.

3. District poorhouses.

A provision of the laws of Minnesota enables two or more counties to combine in the erection and maintenance of a common or district poorhouse.

There is no such provision in the laws of Wisconsin.

II. CONTROL

WISCONSIN

The state supervision of the public charities of Wisconsin was originally vested in a board known as the State Board of Charities and Reform, established in the year 1871. This board lacked executive powers. Ten years later a second board known as the State Board of Supervision was created, primarily, for the management of strictly state charitable, penal, and correctional institutions.

As the functions of the two boards, to a certain extent, overlapped, friction arose between them, and continued until both were abolished in 1891, and succeeded by the present State Board of Control which exercises supervisory and executive powers over all state charitable, penal, and correctional institutions, and also supervisory powers over all county charitable and correctional institutions.

MINNESOTA

In Minnesota the state supervision of charitable, penal and correctional institutions began with the establishment in 1883 of the State Board of Corrections and Charities, whose powers were, at first, strictly advisory. Later, however, certain executive powers were added.

In 1901 Minnesota abolished the State Board of Corrections and Charities and established in its stead the present State Board of Control. This board exercises both supervisory and executive functions over all state charitable, penal and correctional institutions, and supervisory functions over all county charitable and correctional institutions.

In the year 1907, a board was established known as the State Board of Visitors of Public Institutions, whose functions are strictly advisory, resembling, in a general way, those functions formerly exercised by either the Board of

Charities and Reform of Wisconsin, or the Board of Corrections and Charities of Minnesota. The establishment of the Board of Visitors was felt to be necessary in order to insure the frequent inspection of state and county charitable, penal and correctional institutions, and to enable the State Board of Control to attend to strictly executive matters.

III. RECIPIENTS OF POOR RELIEF—ALMSHOUSE MANAGEMENT

In both Wisconsin and Minnesota, at the present time, the great majority of recipients of poor relief are the aged and infirm and those disabled through accident. At one time children of tender age and insane persons were crowded into the almshouses; but the dependent children in both states are now cared for in a special institution known as the State Public School for Dependent Children.

Since the early eighties Wisconsin has cared for her chronic insane in the county asylums so that not one insane person is now found in an almshouse.

Minnesota has not adopted the system of erecting county asylums for her chronic insane; consequently, those defectives are cared for in the state hospitals and state asylums for the insane. It sometimes happens that those state institutions are overcrowded, and hence for an interval, insane persons may still be consigned to almshouses of the state.

By comparing the present condition of the almshouses in those states with their condition in former years, as set forth in reports of the Board of Charities and Reform of Wisconsin and the Board of Corrections and Charities of Minnesota, it is at once apparent that vast improvement has been made in the management of those institutions.

At the present time, Minnesota has a total investment of \$861,886 distributed amongst 43 almshouses with a total

capacity of 1209 inmates,—that is an average investment of \$20,043.85 to each institution, and \$712.89 to each inmate.

Wisconsin has a total investment of \$2,151,089 distributed amongst 45 almshouses with a total capacity of 2450 inmates, that is an average investment of \$47,801.97 to each institution, and \$877.99 to each inmate.

IV. BURDEN OF PAUPERISM

A. Burden per Capita

From 1883 to 1899 inclusive, the average expenditure on public poor relief in Wisconsin was 24.1 cents per capita.

During practically the same period, 1884–99, the average annual expenditure on public poor relief in Minnesota was 24 cents per capita. In Wisconsin during the period 1901–7 inclusive, the average annual public poor relief, per capita, was 24.6 cents. In Minnesota, the state Board of Control did not publish full statistics concerning the public poor relief expenditures during the period 1899–1905; but during the biennial period 1906–7 the latest for which statistics have been published, the average annual expenditure, per capita, was 23.2 cents.

B. Burden per \$1000 of Taxable Property

In Wisconsin during the period 1883–99 inclusive, the average annual burden of pauperism per \$1000 of taxable property was 70.7 cents, whereas the burden per \$1000 of taxable property in Minnesota was 61.5 cents during practically the same period, namely 1884–99.

In Wisconsin during the period 1901–7 inclusive, the average annual burden of pauperism per \$1000 of taxable property was 28.8 cents. In Minnesota, complete statistics relative to the public poor relief expenditures were not compiled by the Board of Control during the period 1901–5

but during the biennial period 1906-7 in which complete public poor relief statistics were published, the average annual burden of pauperism was 49.7 cents per \$1000 of taxable property.

Since 1909, the average valuations of property in Wisconsin very closely approximated true market values, whereas, in Minnesota, as late as 1906, the valuations did not average more than 40 per cent of true market values.

Using these percentages as a basis for comparison it appears that the burden of pauperism, when estimated on the total taxable property is but slightly greater in Minnesota than in Wisconsin.

V. PAUPERISM AS AFFECTED BY IMMIGRATION

Analysis of the United States Census reports for the period 1850-1903 reveals these significant facts relative to pauperism:

1. At no time during the entire period were the pauper ratios for Minnesota anything like as large as those of the United States.

2. Only once during this period, namely in the census year 1890, were the pauper ratios of Wisconsin as great as those of the United States.

3. Throughout the entire period the pauper ratios for the foreign born were much greater than those of the native born in Wisconsin, Minnesota, and the United States.

4. Throughout the entire period all pauper ratios were considerably higher in Wisconsin than the corresponding ratios in Minnesota.

In 1860, Minnesota stood 23rd on the list of states and territories in respect to the magnitude of pauper ratios; in 1870, 32nd; in 1880, 33rd; in 1890, 36th; and in 1903, 43rd.

In 1860, Wisconsin stood 13th on the list of states and territories in respect to the magnitude of pauper ratios; in 1870, 27th; in 1880, 23rd; in 1890, 12th; and in 1903, 28th.

According to the special report of the United States Census Office, the leading foreign-born elements of the populations of Minnesota and Wisconsin contributed to pauperism as follows in the year 1904.

1. The Germans contributed slightly more than their proper proportion of paupers;

2. The Irish contributed more than three times their proper proportion of paupers;

3. The English and Welsh and Scotch and French contributed rather more than their proportion of paupers;

4. The Scandinavians and Canadians contributed considerably less than their proportion of paupers.

The Germans and the English and Welsh foreign-born elements, which in 1903 contributed more than their due proportions of paupers in both states, uniformly represented a smaller proportion of the total foreign-born population of Minnesota than of Wisconsin, during the entire period 1850-1900.

On the other hand, the Scandinavians and Canadians, who in 1903 contributed much less than their respective proportions of the total foreign-born paupers in both states, uniformly represented larger proportions of the total foreign-born population of Minnesota than of Wisconsin during the entire period under consideration.

As the proportion of the foreign-born population represented by the Irish was practically the same in both Wisconsin and Minnesota, during the six census periods beginning with 1850, differences between the pauper ratios of the two states are not attributed to this element of population; but the conclusion seems to be well warranted that the relative immunity of those states from pauperism is largely due to the fact that the Irish foreign-born element never constituted a large percentage of their total populations.

VI. RELATION OF PUBLIC TO PRIVATE CHARITIES

Despite the fact that the people of both Wisconsin and Minnesota are liberally disposed toward their dependent classes, it is very much to be regretted that, as a general rule, no hearty cooperation exists between public and private charities.

In cities of moderate size the authorities dispensing poor relief are usually in a position to become tolerably well acquainted with the applicants for relief, so that danger of misdirecting of charity is reduced to a minimum; but in the large industrial centres where population is rapidly increasing, and there is a constant influx of foreign elements, charity organizations in order to be effective must have a scientific basis. Public and private charities must not work at cross purposes. Intelligent cooperation between them is indispensable in order that charity may not defeat its own end.

While lack of cooperation between public and private charities is the general rule in the cities of both states, the city of St. Paul affords at least one notable exception.

The Associated Charities of that city is a bureau of information for over forty charitable activities, one of those being the public poor relief department of the city.

This bureau does not attempt to dispense poor relief in a material form, but merely directs the manner in which charitable organizations should dispense it.

The city of Minneapolis has cooperation between its public and private charities to the extent that the latter—the Associated Charities—daily copies the poor relief lists of the city poor department.

In Milwaukee there has hitherto been absolutely no cooperation between the public and private charities; but, at the present time, a movement is on foot in this city which may result in the establishment of relations mutually advantageous to the two great agencies of poor relief.

Cooperation between the public and private charities in the other cities of both states, though highly desirable, is less urgent than in the above named cities.

VII. STATE CONFERENCES OF CHARITIES AND CORRECTION

A treatment of the administration of public poor relief in Wisconsin and Minnesota would be far from complete, if mention were not made of the different state conferences that have been organized as auxiliary to the work of dealing with the dependent, delinquent, and defective classes of those states.

In Wisconsin as early as the year 1881 an association known as the Conference of Charities and Correction was organized for the express purpose of studying the fundamental problems of correction and poor relief.

This association whose membership was open to all interested in the foregoing problems, was organized under the auspices of the State Board of Charities and Reform, and, during the entire existence of that board, received its hearty support.

In 1891, the State Board of Charities and Reform was superseded by the present State Board of Control. The attitude of the latter board seems to have been somewhat unfavorable, or at best but indifferent toward the State Conference of Charities and Corrections which was permitted to die a natural death in 1897.

In Minnesota a State Conference of Charities and Correction was organized in the year 1893. Membership in this association is extended to practically every one interested in charitable and correctional activities.

The association has been viewed with favor by both the State Board of Corrections and Charities and its successor, the present State Board of Control.

Since 1905, boards of county commissioners are empowered to send, at the expense of the county, one of their members as a delegate to the annual meeting of the State Conference. By this means the county commissioners are brought into close touch with specialists in charitable and correctional activities, and are, therefore, kept informed as to the latest and most improved methods of dealing with those classes which entail a burden upon society.

Clearly, in respect to a scientific analysis of the great problems of charities and corrections, Minnesota has gone considerably beyond her sister state Wisconsin.

**THE GENESIS AND EXPANSION OF THE PLANTA-
TION SYSTEM IN THE SOUTHERN STATES
OF NORTH AMERICA DURING THE
COLONIAL PERIOD**

**BY
LEWIS CECIL GRAY**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR H. C. TAYLOR**

1911

THE GENESIS AND EXPANSION OF THE PLANTATION SYSTEM IN THE SOUTHERN STATES OF NORTH AMERICA DURING THE COLONIAL PERIOD

LEWIS CECIL GRAY

The plantation system is defined as a form of agricultural organization in which unfree laborers were employed in relatively large numbers under unified direction and control.

Three other peculiarities beside those emphasized in the definition challenge attention and explanation. First, The plantation was almost invariably commercial. It was never based to any considerable extent on the principle of self-sufficiency, except for temporary periods, when low prices or the interruption of trade made commercialism impossible. Not only was commercialism one of the characteristics of the plantation; it also served as a *raison d'être* by which the earlier development of the system may be explained.

Second, The Plantation System represented a stage in the development of agricultural industry which may properly be designated as capitalistic. This stage of development was achieved more than a century earlier than the corresponding stage in manufacturing. It rested upon the capitalization of the future services of unfree laborers, as well as upon the situation value conferred by their transportation to a region of exceptional agricultural possibilities. The large amount of capital embodied in the labor force was the element chiefly responsible for the capitalistic character of the Plantation

System just as machinery was responsible for the stage of capitalism achieved by the English Industrial Revolution. In the one case, however, the capital represented the capitalization of the future services of labor; in the other, the embodiment of its past activities. Finally, the industrial activities of the Plantation System constantly tended in the direction of a specialized production, whenever the conditions of marketing made possible its realization. Wherever possible, the plantation energies were concentrated in a one-crop system, and this was responsible for many of the advantages as well as the disadvantages inherent in the system.

This thesis is devoted to explaining the circumstances which conspired to produce in the New World a system of agricultural industry possessing the above-mentioned characteristics.

The Plantation System developed spontaneously in Virginia. Prior to its genesis there, it existed in the New World only in the Spanish islands. In the latter, the system was decadent at the time it was developing in Virginia, and there was probably little or no direct relation between the two systems. The evolution of the system in Virginia, however, was nearly synchronous with its development in certain of the British West Indies, especially in Barbadoes and St. Christopher, and also in the French West Indies. It is unlikely that a causal connection existed between the plantation systems in these three regions. Certainly, the plantation system in Virginia had passed through the earlier stages of its development before that of either of the other regions. Nevertheless the great similarity of the institution in the three regions, after it was fully developed, a similarity which extended not only to the more essential characteristics but also to minor details of organization, is conclusive evidence of the fact of a considerable mutual influence, at least in the later stages of development. Nevertheless, the system itself was the spontaneous product of causes inherent in the in-

dustrial circumstances of the time and its earliest development in Virginia offers an excellent opportunity for an attempt to isolate the conditions of genesis.

This genesis, too, is to be explained from causes extraneous to the institution of slavery. However close the connection between the Plantation System and the control and exploitation of African slaves, the fact remains that the plantation developed during the first seventy-five years of its existence chiefly on the basis of indentured servitude.

The earliest form of the Plantation System in Virginia grew out of the arrangements dictated by the exigencies of colonization. Several methods have been employed in the settlement of new regions. In the expansion of population on the American continent, it has been possible for the individual pioneer to advance into the wilderness with little more equipment than a gun, an axe, and his own hardihood. The expansion from England, however, involved an expenditure of considerable capital for each settler, of capital which was entirely beyond the reach of the English agricultural laborers. The problem of colonization, therefore, consisted chiefly of bringing together the necessary capital and labor in appropriate relations. Since the pioneer family was inadequate, either in numbers or in capital, to accomplish the task, it was necessary to resort to some form of cooperation.

In a few instances, as in the case of the settlement of Plymouth and Massachusetts Bay, that of the colony of the Solzburghers in Georgia, and that of the Moravians in North Carolina, the enterprise was made possible by a unity of aim furnished largely by a religious organization and motive. In the case of the Plymouth colony, religious unity was made the basis for collective borrowing as a means of obtaining capital. The settlement of other religious colonies was made possible by the contributions of the wealthier members, sometimes by the contributions of the church as a whole. Through these

various methods, labor and capital were not separated but were embodied in the same persons.

In the settlement of the Southern colonies, however, no religious bond existed. The laborer and capitalist were separate persons. Moreover the economic motive chiefly influenced both in their dealings with one another. The miserable English agricultural laborer desired to reach the New World in order to better his economic condition. The English merchant or land-lord capitalist wished to get him there in order to make a profit out of him. Baldly stated, and with allowance for numerous exceptions, this was the essence of the problem of colonization: the bringing together of capital and labor in a joint enterprise for mutual profit.

The first attempt to accomplish this motive was by means of a corporation, one of the earliest instances of the employment of this method of industrial organization. In this experiment, the London Company, the device was employed of making stock ownership depend upon either investment or services. The laborer who volunteered to risk his person in the hardships and perils of the wilderness was given a share of stock, which was the same theoretically as the share which might be obtained by the investment of £12-10s. in the enterprise. Sometimes shares were acquired by the same person in both ways. Thus, there was no subordination of either factor to the other; both laborer and capitalist were theoretically at least coequal.

An attempt was made to establish the industrial operation of the colony on this basis. A pure communism was set up in Virginia. Even the officers were supposed to work side by side with the meanest laborer.

The results of the experiment quickly proved that such an arrangement was impracticable. Step by step, labor became subordinated. This was partly due to the exigencies of the situation, which made a strong and centralized industrial control essential, partly to the fact that the colonists sent out

after the enterprise fell into disrepute in England were composed largely of the human dregs of that nation.

Sir Thomas Dale imposed a rigorous "gang" system of organization upon the labor of the colony. Under these conditions the fiction that the laborer was a joint associate in the enterprise was gradually abandoned. In the course of time, all hope that participation in company ownership would be a source of profit ceased to exist. The Company became a colonizing agency which developed into the character of a plantation proprietor, while the laborer in Virginia was a man servant laboring for subsistence and in payment of the costs of his transportation, with, in some cases, the hope of acquiring land in the colony at the expiration of his term.

As the hope of deriving profit from other sources declined, the Company adopted the definite policy of operating plantations of its own as a source of profit. Some of them were designed to defray the expenses of the political organization of the colony, others to promote the interest of the Company itself. Hundreds of laborers were sent out under indenture to work on the Company lands. Some of these were employed as tenants, others as mere laborers. All, however, were unfree, and all were organized and controlled by bailiffs and overseers sent out by the Company.

The entire system failed, largely because of the public character of the proprietor and the difficulties of administration across three thousand miles of sea, as well as because of the almost insuperable difficulties encountered by this initial experiment in gaining a foothold in the wilderness.

When the Company had exhausted its capital in its attempts to establish plantations of its own, and it became clear that no profits were to be hoped for from the undertaking, many of those who had invested large sums in the corporation began to cast about for some method of realizing on their investment.

The result was the formation of a number of quasi-public joint-stock companies which undertook to continue the work of colonization in order to derive some profit from the large bodies of land which had accrued to them by virtue of the investments of their members in the stock of the London Company. These companies sent out a considerable number of tenants and servants and operated plantations whose character was but little different from those which the London Company had attempted to establish. These undertakings invariably failed for the same reasons that the Company plantations had proved unsuccessful.

Several circumstances had conspired to make it necessary that settlements planted in the wilderness should be carried on by enterprises of this magnitude instead of by private capitalists. There was no regular and established communication between the mother country and the colony. It was necessary for the undertaker of a plantation to fit out a ship in order to send out his laborers. Moreover if he desired to reap a profit from their labors, he was compelled to furnish a means of marketing the crops. In order to make so large an investment remunerative, it was equally necessary to plant a large number of laborers. Similar difficulties led to the employment of roughly similar methods in the case of many other colonizing enterprises in the New World.

By the close of the Company period, however, the merchants of England, on their own account, were beginning to send out vessels to Virginia to carry passengers and to procure tobacco in exchange for merchandise. This created the opportunity for the resident undertaker to establish and operate a plantation. As already observed, the plantations of the London Company and of the quasi-public joint-stock companies failed largely because the attempt was made by capitalists resident in England to operate plantations which were located thousands of miles distant, and in the midst of conditions, physical and economic, so different from those in

England, that it was difficult for the slow-going English imagination to comprehend them. Now it was possible for the small undertaker with a relatively small amount of capital to establish and manage his own enterprise.

Already during the Company period some small independent farmers had flourished in Virginia. Some of these built up considerable plantations; some were constructed out of the ruins of the quasi-public joint-stock companies; others were made possible by official position and connections.

The necessity still remained of bringing together capital and labor. The bulk of the immigration to Virginia and Maryland in the earlier years was derived from the class of English agricultural laborers who were totally unable to provide a means for themselves of reaching the New World. Later, the laborers of the South were derived from the equally poor peasantry of Germany, Scotland and Ireland, and the African negroes.

The function of the planter was to furnish and employ capital for this purpose. If there had existed some mechanism of credit whereby the laborer could have been advanced the capital and allowed to work out the debt by employing his own labor as an entrepreneur, the plantation system and the planter alike would have been unnecessary. In this case the nonresident capitalist would have been adequate for the need. Obviously, this was impossible, considering the conditions of the time and the character of the laborers themselves, especially of the negroes. Some one must be responsible for the repayment of this capital through the labor of the immigrants.

Since, however, the enterprise was of a capitalistic nature, it was necessary that the labor of the immigrants should yield a commercial product. English capitalists would not have been willing to invest in such an enterprise unless it offered some prospect of a money return. Fortunately, the southern colonies were in a position to produce a commercial

product almost from their inception. In the case of Virginia and Maryland, it was tobacco until the later part of the colonial period. During the first thirty or forty years of their existence, South Carolina and Georgia depended upon the shipment of lumber products, pork, beef, corn, and other food products directly to the West Indies. Their industry during this period was based upon direct appropriation. North Carolina, with the exception of one or two naturally favored districts, remained in this condition until the development of the cotton industry at the close of the eighteenth century. Gradually the rice industry, and, later, indigo, became the staple products of the planting regions of South Carolina and Georgia.

In all the planting regions then free, there was developed some one product the production of which proved normally more profitable than any other. There were periods when low prices compelled a resort to other lines of production; but the law of relative profitableness operated in such a manner that the normal level of prices adjusted itself so as to make possible the production of that product for which the colony was best adapted under the prevailing physical and social conditions. As population was sparse and land values insignificant, the direction of production was almost entirely dictated by the physical factor. The planter found by experience that he reaped the greatest advantages in participating in the world process of specialization and exchange by concentrating his energies in that line of production in which his advantages were greatest, while he depended on exchange to secure those commodities for the production of which his advantages were less great. In proportion as the plantation was advantageously situated for commercial intercourse, the stronger this tendency became; the less favorable the situation of the plantation, the greater the tendency to diversify the production. In this case he turned his attention to the satisfying of those wants which depended upon bulky com-

modities. The constant improvement in communication and mechanism of commerce continuously widened the area of specialization and commercialism, while it pushed further to the West the region of self-sufficiency. Whatever its ultimate disadvantages, the plantation with its one-crop system was a marvelously efficient means of skimming the cream off the soil resources of a virgin continent.

Within the colonies themselves a primary form of division of function occurred. Those planters who were exceptionally favored in facilities for producing and marketing the commercial crop found that it was profitable to concentrate all of their labor on the production of these products, while they depended upon the less favorably situated producing units for the food of their laborers. This was the extreme type of the commercial capitalistic plantation. Between this extreme and the extreme of self-sufficiency, there were plantations in all degrees of development in the Colonial South.

The very fact, however, that the agriculture of the Colonies became commercial, created an additional reason whereby it became increasingly capitalistic. The commercial product must be put upon the world market, and the plantation, especially in tide-water Virginia and Maryland, occupied an important place in the mechanism of commerce. The fact that the majority of plantations were situated upon bays or rivers navigable by ocean vessels made it far more economical for the planter to export his product and to import his supplies at his own wharf rather than to concentrate these functions at a port of entry.

Several circumstances beside the situation of the plantation on navigable water conduced to this result. The crude character of transportation by land, the necessity of transshipment at a port of entry, the small size and value of ocean-going vessels making the loss of time involved in the collection of the cargo relatively unimportant, the advantage of employing the plantation force in loading and unloading,

and the casual nature of the earlier trade were responsible for this result.

Moreover, the planter was equally capable of performing in the most economical fashion the function of wholesaler and retailer of imported supplies. The annual character of importation and the absence of a diversified economy eliminated all need for a specialized retailing mechanism. The plantation performed this function adequately for the small producing units which were unable to maintain direct relations with the English merchant.

There was nothing in the conditions to produce a town life. There could be but little internal trade in a community where nearly all producers were turning out the same kind of products. The industry was almost wholly agricultural and this type of industry was more economic than town industry. The small need for the services of artisans was readily served by the skilled servants imported under indenture or by journeymen artisans. It was found by experience that even these went into agriculture as soon as they could. Various efforts on the part of English and colonial authorities to stimulate town life artificially proved a failure.

With the expansion of the plantation system into the back country of Virginia and Maryland, and southward into the Colonies and Georgia, this direct relation of the planter to his market became impossible. The mechanism of marketing became more and more indirect and complex. After the Revolution even the tide-water planter was forced to abandon his direct relation to the English market. Finally, after the Revolution, the function of importation and exportation became separated. The planter no longer depended upon the same merchant for the performance of both functions. The merchant function was restricted to the exportation of the planter's crop while the planter was enabled to purchase his supplies in a general local market. Hence the necessities of marketing, which comprised an important *raison d'être*

for the development of the plantation in its beginnings, became a less and less important explanation of its vitality in other regions and at a later period.

The capitalistic and commercial character of the plantation system in the Colonial Period was given special emphasis on account of the fact that the greater part of the capital employed in its development and expansion was borrowed from the English merchants. In North America, there were primary needs for the employment of capital: the necessity for marketing the crops, the expense of importing and storing the plantation supplies a year in advance of their use, and the purchase of servants and stores. The first necessity demanded a large outlay of capital, not only because of the great expense involved in transatlantic freights but also because of the heavy duties and exactions which caused the value of the crop in England to be often several times the amount of its plantation value. This was intensified by the necessity of holding it a year or, frequently, two, until it could be sold advantageously. In the first part of the period, this function was performed at the planter's own risk although the advances necessary were made by the English merchant. Later, however, the merchant class assumed the risk also.

The second need for capital was greater in Virginia and Maryland than in the Carolinas and Georgia because of the dispersed character of the plantations and the absence of all retail centers. In addition to this, the large plantation performed the function of retailer for its immediate neighborhood. Hence, there arose the custom of buying supplies on credit, which prevailed extensively everywhere, but especially in Virginia and Maryland. This custom has been generally ascribed to the extravagance of the planter. While his extravagance was partially a cause of the custom, especially in the later period when prosperity and a universal system of credit had developed loose habits of expenditure, it con-

stitutes on the whole a very inadequate explanation. The fact is that the planter was the only safe medium for the investment of capital in a new country in which the opportunities for the investment of capital were exceptionally great. Every device for enlarging the amount of credit was employed. The method of credit-purchase of plantation supplies was one of these.

The chief source of credit advances, however, was for the purchase of slaves. This was not resorted to to such an extent for the purchase of servants for the reason that the shortness of the indenture caused the servant contract to be an inadequate basis of security. Consequently in Virginia and Maryland, this phase of the credit system did not assume great importance till after the close of the period when slaves became the chief labor basis. For a time, during the rapid expansion of slavery in Virginia and Maryland, the credit system became a large factor in the economic life of the Colonies. Later, when the policy of slave breeding developed, the credit system became relatively unimportant. In the lower Colonies where the demand for slaves was constantly increasing throughout the colonial period, and where high land values constituted an additional basis of credit security, the system of credit advances obtained its largest and strongest influence.

The result of these relations to English capital gave to the English merchant capitalist a peculiar influence in the life of the Colonies. Frequently, the control of the capitalist in the affairs of the plantation was so great that the planter himself was little more than a functionary subject entirely to the merchant's dictation. The relation comprised a constant basis for an economic and political struggle for advantage. The merchant was a parliamentary lobbyist; the planter attempted to control the political machinery of the Colonies in such a manner as to effect the most favorable debtor legislation. The plantation system may be looked upon,

therefore, in a large degree, as an instrument for employing English capital, with the highest possible degree of security, in the exploitation of the virgin soil resources of the New World.

The dominant English economic and social ideal was embodied in the landed aristocracy. It was natural that the New World should be looked upon as a field of opportunity for realizing this ideal. This influenced powerfully both public policy and individual initiative in the colonial period. The large agricultural estate was formed by this ideal. Attempts were made in Maryland and South Carolina to construct a manorial system modelled after that of the English system, already decadent. In order that a leisured landed aristocracy should exist, it was necessary that there should exist an economic surplus. In England, this was furnished by land. In the earlier years of the Colonies, however, land was so cheap and abundant, that, under the working of the laws of value, but little of the economic product was imputable to it. Hence the manorial system was impossible and proved universally a failure. On the other hand, the greater portion of what in England would have been imputed to land was, in the Colonies, imputed to labor. This comprised a large surplus over and above the cost of importing and maintaining the laborer.

Under the system of industrial servitude, however, the laborer was enabled to make his own bargain with the capitalist, and the length of the term of service tended to be shortened so as to give the capitalist merely a fair return upon his expense. Hence, except in periods of extraordinary industrial expansion, the surplus tended to be diverted to the laborer himself. Moreover, industrial servitude contained the seeds of its own destruction as a dominant feature of the social system for its tendency was to multiply the number of free yeomen several times as rapidly as the number of servants.

Slavery, however, offered a means of diverting all of the surplus of the exploiting classes. Moreover, as an institution, its effect was cumulative. Moreover, the slave comprised an excellent basis for credit advances. In addition to these circumstances, the necessity of centralized control and direction was multiplied. Hence, with its introduction, the extension of the plantation system was most rapid.

It is to be noted finally that the circumstances which separated the functions of entrepreneur and laborer, made it economic to employ a sufficiently large scale of operations to employ fully the energies of the agencies of direction and control. This scale of operation varied widely with periods and circumstances.

For the most part slavery and the plantation system were employed in the exploitation of virgin soils by means of an extensive type of agriculture. This direction, however, was due entirely to local circumstances, especially the abundance of land. However, it is a mistake to conclude from this fact that these institutions were adapted to this type of culture alone. On the contrary, enormous profits were made in some of the West Indies by the employment of slavery and the plantation system in the most intensive type of cultivation.

**THE PRE-HELLENISTIC STAGE IN THE EVOLU-
TION OF THE LITERARY ART AT ROME**

**BY
EARNEST ALBERT HOOTON**

**ABSTRACT OF A THESIS PREPARED
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THE PRE-HELLENISTIC STAGE IN THE EVOLUTION OF THE LITERARY ART AT ROME

EARNEST ALBERT HOOTON

INTRODUCTORY NOTE

This dissertation is an attempt to employ the comparative method in an examination of the evidence for the existence of a native literary art at Rome.

The term "literature" is here applied not only to written productions, but also to the oral folk art which precedes written composition.

I. THE ETHNIC AFFINITIES OF THE ROMANS

Italy was inhabited during palaeolithic times and after the intrusion of a new race in the neolithic age the newcomers lived side by side with the older stock, the former in huts, the latter in caves. An inspection of ancient and modern Italian crania shows that Sergi is right in his contention that the population of Italy has always been predominantly dolichocephalic. But there was an early infiltration of a brachycephalic element of Alpine stock which began in neolithic times. The neolithic peoples who settled Italy were unquestionably the classical Ligures. Ancient writers agree that they formerly extended over all Italy. They belonged

to the long headed Mediterranean race which came from Africa.

In the eneolithic or copper period there is no evidence of further immigrations or radical change of culture. The development of this period is due to foreign trade relations.

The early bronze age in Italy is characterized by rectangular settlements built on piles in the northern lakes. The builders were a new race who introduced bronze and cremation as a burial rite.

The *terremare* are developments of pile dwellings adapted to dry localities. They are most numerous in the Po valley and belong to the full bronze age. Their culture displays affinities with that of Central and Northern Europe. Both the lake dwellers and the *terramaricoli* were agricultural and pastoral. They both cremated, and beside them the eneolithic population continued to live in their huts and to inhumate their dead.

The *terramaricoli* apparently spoke an Aryan tongue. They represent a second invasion of Alpine peoples, who came probably by way of the Danube valley, tempted perhaps by the long stretches of lakes. The lake dwellers were their predecessors.

At the end of the bronze age the *terramara* people abandoned their Po valley settlements and crossed the Apennines. One immigration passed through the Sabine country to the Alban Mount and the Tiber and eventually founded Rome. Another branch of the same people occupied the territory that later became Etruria, and a third pressed south toward the present region of Tarentum. These statements are based upon archaeological evidence. It is altogether probable that both the *terramaricoli* and the lake dwellers were brachycephalic Alpine peoples, the only uncertainty arising from the fact that they cremated their dead and consequently their head form can only be deduced.

The crescent shaped handle or *ansa lunata*, which is the distinguishing character of terramara pottery, can be traced to the Danube valley. That these people were Aryan speaking is proved by the presence of alphabetical signs on their pottery. There exists a striking similarity between the civilization of the so-called Indo-Europeans as reconstructed by linguistic palaeontology and the culture of the terramaricoli.

The terramara people left the 'Po valley because of the pressure of further invasions from the north and east. The new invaders are known archaeologically as the Villanova people. They were also members of the Alpine race; they cremated, used alphabetical signs, and introduced iron. Their culture differs in many details from that of the terramaricoli. They were, in all probability, the Umbro-Sabelli, and spoke a different dialect.

Rome was founded early in the iron age by the terramara peoples who moved southward from the Po about the eleventh century B. C. The *ansa lunata* and other typical terramara forms occur in Latium. There is also evidence of a considerable Villanova influence. Both cremation and inhumation are found in prehistoric Rome. In the Forum necropolis the inhumations occur above earlier cremations. There was a considerable admixture of the earlier neolithic stock in the population of prehistoric Rome and this explains the mixture of burial rites and the presence of non-Aryan elements in ancient inscriptions.

The most striking evidence of the connection of the terramaricoli with the founders of Rome lies in the essential identity of construction of Roman camps and terramara settlements. Elsewhere I have tried to show that the first Palatine settlement was laid out substantially on the lines of a terramara.¹ This adds the final link to the chain of evidence.

GENERAL NOTE. Necessarily in this abstract the majority of important references are omitted and conclusions are stated dogmatically without a full presentation of the evidence which is compressible to a very limited extent only.

¹ The Mundus, the Palatine, and the Terremare, *Revue d'Ethnographie et de Sociologie*, 1913, p. 238 et seq.

The Etruscans were non-Aryan in language. Archaeological evidence favors the tradition that they came by sea from Lydia.

II. THE BEGINNINGS OF ART

Art originates in a blending of aesthetic and nonaesthetic motives. The farther down we go in the scale of civilization, the more closely do we find art connected with society as a whole, and the more exactly is it adapted to the fulfillment of certain practical social needs. Thus in lower societies art subserves an important utilitarian purpose in connection with work, war, religion, and sexual selection.

The purely aesthetic art impulse is, in some degree, a factor in all art production, whereas the nonaesthetic motives are variable in nature and occurrence.

The solution of the problem of the art impulse is to be sought in the examination of the nature of emotional expression. The aesthetic impulse rests upon the physiological basis of pleasure and pain.¹

Movement and unchecked activity generally produce a pleasureable feeling, while functional inhibition, on the contrary, is associated with pain. Experiment tends to show that the feeling element of sentiments and emotions, like that of simple pleasure and of pain, is correlated with the stimulative or inhibitive quality and with the intensity of the modifications which invariably accompany emotional states because of organic activity. Hence the result of sentiments and emotions is the same expressional impulse that is excited by simple feelings of pleasure and pain.

The form of expression best suited to the satisfaction of this strongest of all impulses,—to enhance pleasure and to relieve pain,—is art production. For art is essentially a social activity, and as functional modifications spread from organ to organ in expressional movement, so a feeling is diffused

¹ Yrjö Hirn, *The Origins of Art*, Chapter II, et passim.

from an individual to a crowd of sympathizers through artistic expression. A participation in the intellectual elements of the individual's state is effected by unconscious motor imitation on the part of the group.

The manifestation of strong feeling seeks social enhancement or relief through sympathetic social participation in its state. The craving for social expression is especially strong in the lower societies where collective mental processes are predominant, and where the individual differentiates himself less fully from the group than does his civilized brother. Art production is the logical outcome of this expressional activity.

III. RHYTHM

Observation of primitive peoples teaches us that the earliest and simplest of art forms is rhythm. The most rudimentary manifestation of emotional expression consists of mere random movements of a totally nonaesthetic character, such as may be observed in the case of a man shouting and leaping for joy. The lowest forms of lyrical music and lyrical gymnastic dance differ from this only in that their movements have been restrained and limited by the adoption of a fixed sequence in time, the rhythm.

Rhythm is the simplest form of social consent. It rests upon the physiological fact that the regular recurrence of certain muscular movements in the same period of time becomes mechanical and lessens the expenditure of will power. This is why it plays so important a part in communal labor.¹ Considered apart from its utilitarian purpose rhythm fulfils the requirement of emotional expression by bringing about emotional unity. It greatly increases the psychical and physical power of collective expression.

The gymnastic dance, the song, and nonmelodious instrumental music are perhaps the earliest manifestations of

¹ Karl Bucher, *Arbeit und Rhythmus*, passim.

the use of rhythm in art production. The one constant element in the evolution of poetry, the only tie between the spontaneous communal dance and song of primitive man and the carefully worked out product of the literary artist, is rhythm.

IV. THE COMMUNAL DANCE

Dancing is the primitive universal art. Among the Australians, one of the lowest of existing races, the communal dance is a most important feature of all social life, and particularly of religious ceremonies. Here the dance consists of violent movements of the arms and legs to the accompaniment of rhythmic thumpings on shields or the beating together of boomerangs.

The most primitive form of the dance is not individual but communal. Rhythmic movements and rude mimicry express the consent of the savage throng, and regulate concerted cries which at first are inarticulate and merely reflect the emotion of the moment, but afterward develop into song. The primitive dance is inseparable from song, which is, for the most part, participated in by the whole throng. But song detaches itself from dancing long before the latter can shake off its periodic cries and choral refrains.

The homogeneity of interest characteristic of the primitive social group calls for concerted emotional expression as a necessary preface and conclusion to all social acts: hunting, war, labor, marriage, death, and all religious rites. Aside from the purely aesthetic interest, certain practical motives are usually prominent. There is a wide-spread primitive belief in the magico-religious efficacy of dancing. The stimulative and cooperative force of the rhythm in dancing also provides a practical use for that form of art in connection with warlike activities.

We may expect the communal dances of a people to reflect in a large measure the character of their occupations. We

know that the ancestors of the Romans were a pastoral and agricultural people and that they were accustomed to war.

An old military dance called the *saltatio Bellicrepa* is reported to have been instituted by Romulus after he had carried off the Sabine women, in order that a like misfortune might not befall his state.¹ Doctor Warde Fowler suggests that inasmuch as the rape of the Sabine women was in legend connected with the Consualia, a harvest festival of great antiquity, this dance may have been a lost feature of the same festival². The name *Bellicrepa* leads to the supposition that it was a war dance, accompanied by the clashing of weapons as in the dance of the Salii, and by war cries. It is quite likely that the dance at the Consualia was accompanied by a folk song or ballad commemorating the legend of the Sabine women. And, to some extent, the dance may have been mimetic and reminiscent of the event. Such dramatic representations of myths and legends are a prominent feature of harvest festivals in many countries.³

The procession of the Salii furnishes an excellent example of a communal song and dance surviving in religious ritual. With the advance of civilization, tribal dances take on an expiatory and religious character and only those which have lost their spontaneity and have become hardened into ritualistic forms are preserved in written records. The dance and hymn of the Salii are such a ritualistic survival.

On the Kalends of March the original *ancile*, or sacred shield of Mars, it was said to have fallen from heaven or to have been found in the house of Numa. According to the confused legend which accounted for the Salii or dancing priests of Mars it was this sacred shield and eleven copies of it that were carried by the Salii when they performed their dance.⁴ On certain days of March the shields were carried

¹ Festus (Paulus), p. 35 O. M., s. v. *Bellicrepa*.

² W. Warde Fowler, *Roman Festivals*, p. 208 et seq.

³ J. G. Frazer, *Spirits of the Corn and of the Wild*, Vol. II, 1912, passim.

⁴ Ovid, *Fasti*, 3, 351 et seq.; Plutarch, *Numa* 13; Dion. Hal. ii, 71.

in procession and deposited at night in one of the *Mansiones Saliorum*.⁵ The dress of the *Salii* on this occasion was half priestly and half martial. At certain places they stopped to dance and to sing their ancient hymn, an accompaniment to which they beat upon their shields.⁶

Though containing some distinctively primitive elements, the dance of the *Salii* represents a relatively advanced form compared with the *modi incompositi* of Virgil's description.⁷ For the former consisted of various set figures performed under the leadership of a *praesul*. Dionysius describes the movements as *τότε μὲν ὁμῶν τότε δὲ παράλλας*. Separation into choral divisions and dancing of the different divisions alternated with concerted movements of the entire throng are early stages in the development of the folk-dance which coincide with the first differentiations of its choral accompaniment, the song. The dance measure used in this ancient rite was the *tripudium*, the National Italian measure.⁸

One of the places at which the *Salii* stopped to dance seems to have been the *pons sublicius*. This may carry the dance back to the time when the *terramaricoli* were wont to dance on the wooden bridge leading to their pile settlement.⁹ The only adequate explanation of the importance of the bridge cult and the *pontifices* in early Rome is that it was derived from the *terramara* people to whom the bridge was of paramount importance as the sole means of ingress and egress, and the one vulnerable point in their settlement. The cult of the *Salii* had a considerable distribution in Italy.¹⁰

The agricultural pursuits of the Romans are also reflected in their early communal dances. Such a dance is preserved in a fossilized form in the ritual of the Arval Brethren. Recorded in the inscription is also the text of the hymn

⁵ Dion. Hal. ii, 70.

⁶ *Ibid.*

⁷ Georg. I. 345 et seq.

⁸ See note on Saturnian metre appended to this dissertation.

⁹ Servius, Aen. ii, 166.

¹⁰ Laurentum, *salus*, CIL, xiv, 390 et seq.; Alba, CIL, vi, 2170 et seq., xiv, 2947; Tusculum, Servius, Aen. viii, 285; Aricia, CIL, xiv, 2171; Anagnia, CIL x, 5925, etc.

which was sung in procession about the fields with a dance performed by the priests. The Carmen Arvale echoes audibly the stamping and shouting of the early choral throng. The brethren were divided into two parties and the hymn was sung both antiphonally and in chorus. Each line was repeated thrice in accordance with the tripudic measure, *ter pede pellere humum*, and the hymn ends in the word *triumpe*, repeated five times. Professor J. A. Smith of Magdalen College, Oxford, has suggested that this word is connected with the Greek *θρίαμβος*. The *ιαμβος* is perhaps the one step, the *θρίαμβος* the three step, and the *διθρίαμβος* the four step.

Virgil gives the farmer advice and directions concerning the performance of lustrations for the purpose of warding off evil influences from the crops.¹¹ In the course of these directions he refers to the accompanying communal dance:

*Terque novae circum felix eat hostia fruges
Omnis quam chorus et socii comitentur ovantes
Et Cererem clamore vocent in tecta neque ante
Falcem maturis quisquam supponat aristis
Quam Cereri torta redimitus tempora quercu
Det motus inconpositos et carmina dicat*

This dance was not performed by priests only but by the whole rustic community. Note that here as elsewhere the communal dance is associated with song. Festivals similar to this are still held in Italy.

Tibullus also bears witness to the performance of the communal dance by the early Romans at harvest time¹² and Horace refers to a similar dance in his delightful ode descriptive of the Faunalia Rustica.¹³

Folk-dances were also in vogue on the occasion of marriages and it is probable that the *meniae* sung by the *praeficae* were accompanied by dances.¹⁴

¹¹ *Georg.* I, 345, et seq.

¹² *Tib.* ii, 1, 51 et seq., cf. ii, 5, 83, i, 1, 23, et seq.

¹³ Horace, *Odes*, iii, 18.

¹⁴ Dion. *Hal.* vii, 72.

Dancing fell into disrepute in the later days of the republic, partly because of the professionalization of the art and the introduction of lascivious Greek dances, and partly because the homogeneous conditions which produce and foster the communal dance had ceased to exist.

V. COMMUNAL LABOR

The dance is purely emotional rhythmic movement, performed as such, while in communal labor the principle of rhythm is narrowed and adapted to an economic purpose. Communal labor begins only when society is at an agricultural stage, for it is in the field, primarily, that cooperative work is possible or practicable.

From early times the cultivation of the vine was one of the chief occupations of the Italian farmer. Varro refers to the songs improvised to the rhythm of labor in the vineyard :¹ *homines rusticos in vindemia incondita cantare, sarcinatrices in machinis*. Seneca may identify the *tripudium* used in the dance of the Salii with the rhythm of labor when he speaks of the *saltus saliaris, aut ut contumelius dicam, fullonius*.² The fullers trod upon their clothes to rinse them and, like the vintage treaders, timed their steps by improvised songs.

As the work of woman in the lower stages of culture is usually more regular and monotonous than that of man, she naturally takes a prominent part in the composition of communal song. References to spinning songs, nursery songs, and lullabies occur in classical Latin and doubtless many of these were of early origin.³

Charms or incantations were often repeated by the Roman farmers over their crops. Cato quotes several of these in his *De Re Rustica*. They were usually metrical in form. On the

¹ Varro, *ap. Nonius* 56.

² Seneca, *Epist.* II, 3 (15), 4 Teubner ed.

³ Cf. *Macr.* 5, 20, 18; *Serv. Georg.* 1, 101; *Tibullus*, 1, 2, 53; *Virgil, Aen.* 4, 487-*Ecl.* 8, 80.

whole the art production arising from labor in early Rome must have been considerable in quantity, although very little information concerning it exists.

VI. PRIMITIVE REPETITION AND IMPROVISATION

The primary element in primitive poetry is repetition. Beginning with the iteration of inarticulate sounds it develops into lyric refrain and the incremental repetition of the popular ballad. Many instances may be cited from the poetry of modern primitive peoples. It is exemplified in early Roman literature in the three-fold iteration of the *Carmen Arvale*. An analysis of this hymn shows many primitive features of poetic development, including the use of the refrain. Since the *tripudium* was in general use as a dance step, we may safely infer that most Roman dance songs consisted originally of triple repetitions.

A general gift for improvising verse directly precedes the production of a folk literature. Such improvisation has always been preeminently a gift of the Italian people. No one will deny that the ancient Romans had the wit and readiness of tongue essential to the improvised banter of communal song. This characteristic of the Roman populace is attested again and again in written literature.

VII. DRAMATIC BEGINNINGS—FESCENNINE VERSE

The drama originates from the mimetic movements of the communal dance. Symbolic and religious dances tend to become essentially mimetic in character. Festal recapitulation of the movements of communal labor naturally lends itself to dramatic representation, and reminiscences of the chase, the battle, or other contemporary events of social interest, are inevitably productive of mimetic movements in the communal dance.

It was preeminently at the season of harvest and vintage that the Italian love of music, the dance, and raillery found expression. The origin of the Fescennine verses is attributed to these festivals by Horace.¹ The *versus Fescennini* were considered efficacious for averting the evil eye, or for warding off the envy or ill favor of supernatural powers at periods of special good fortune. They were of immemorial antiquity and continued to enjoy popularity among them asses throughout the republic and down into the later empire. The Fescennine verses seem gradually to have lost their dramatic characteristics, and to have become specialized for use at weddings and in the *carmina triumphalia* of the soldiers.

They were probably composed originally in the Saturnian metre and were sung "in alternate strains." Here *versibus alternis* implies improvisation of question and answer, or exchange of extemporaneous sarcasms. They consisted mainly of rude and indecent jests and coarse pleasantries accompanied by mimetic movements, often of an obscene character. They may be compared to the song duels in vogue among the western Eskimaux. Horace describes a similar contest of wit in his well-known *Journey to Brundisium*. In another passage he refers to the practice of laborers in the fields and vineyards who were wont to exchange humorous and abusive remarks with wayfarers.² The custom of greeting strangers with satiric songs and jest is still prevalent in many countries.³

Lampoons and scurrilous doggerel were so popular in early Rome that it was found necessary to make libellous compositions of this character a capital offence.⁴

¹ *Epist.* 2, 1, 145 et seq.

² *Sat.* 1, 5, 15 and 50-70.

³ The Icelandic *Flöcker*, the Tenzons of Provence, and the Hebridean contests between lord and retainer are similar in that they are usually gross caricatures of the personal peculiarities of the person against whom they are directed.

⁴ Cicero, *De Rep.*, 4, 12.

VIII. THE DRAMATIC SATURA

Virgil, who is one of our best informed authorities on ancient Italian folk customs, speaks of a sort of masque performed by the ancient Latins.¹ But the beginning of formal drama at Rome is described by Livy.² An extremely complicated and lengthy discussion has arisen concerning the validity of this passage. Some regard the entire account of Livy as a piece of falsified literary history, constructed to make an analogy to the history of Greek literature.³ This opinion is based on the inclination of Roman chroniclers to parallel Greek fact and fable in writing Roman history. However too much zeal has been displayed by modern critics in attempts to discredit Roman traditions by pointing out such parallels.⁴

According to Livy's account plays were instituted in connection with religious ceremonies for the purpose of propitiating the gods and stopping a plague which was ravaging the city in 389 B. C. Etruscan performers gave a dance to the music of the flute *sine carmine ullo, sine imitancum carminum actu*. This dance was then imitated by the Roman youth, who added the usual concomitant of the folk dance, improvised rhyming jests. Later these farces became professional, *impletas modis saturas*. Livius Andronicus is credited with the introduction of plays having plots. After the drama had thus developed the Roman youth resumed the custom of giving extemporaneous farces, from which were developed *exodia*, or afterpieces called *Fabulae Atellanæ*.

The *satura* was then according to Livy an intermediate stage in the growth of the Italian drama which superseded

¹ Virg., *Georg.* 2, 385 et seq.

² Livy, 7, 2.

³ Especially O. Jahn, *Hermes*, 2 (1867), p. 223, F. Leo, Varro und die Satire, *Hermes*, 24 (1889), p. 77; G. L. Hendrickson, The Dramatic Satura and the Old Comedy at Rome, *Am. Journ. Phil.*, 15 (1894), p. 1 et seq.; A Pre-Varronian Chapter of Roman Literary History, *Am. Journ. Phil.*, 19 (1898), p. 285; F. Leo, *Hermes*, 39 (1904), p. 63.

⁴ Notoriously by E. Pais, *Storia di Roma, and Ancient Legends of Roman History*.

the improvised Fescennine productions, and was, in turn, succeeded by regular plays with plots.

This chapter considers in detail the criticisms of Livy's account advanced by Professor G. L. Hendrickson and others who consider it a falsification based on Greek literary history. The conclusion reached is that all of the so-called parallels to the history of Greek comedy may be satisfactorily explained by the inevitable similarity in the development of the drama among all peoples. There is no good reason for declaring the statements of Livy and Horace false. To agree with Hendrickson and the parallelists we must believe the Romans incapable of developing their unusual wit and improvisatorial gift beyond the rudest impromptu dialogues of savagery. It is ridiculous to maintain that as regards literary art alone, the Romans remained at the level of the present day Australians and the Fuegians until after the Second Punic War.

IX. THE FABULAE ATELLANAE

Tradition says that the Roman youth introduced the Atellanae because they had grown tired of the endless succession of Greek plays badly performed, and that they forbade professional actors taking part in the new productions. Festus¹ says that these Atellanae were first acted in the time of Naevius.² Although traditionally they were brought in from the Oscan town of Atella, Mommsen and others consider that these plays were indigenous in Latium, and that the scenes of them were laid in provincial towns like the ruined Atella, because it was forbidden to make Rome and Roman citizens the subject of such farcical productions.³

These Atellan farces enjoyed great popularity until they were suppressed by the senate because of their indecent

¹ Livy, 7, 2.

² Festus, s. v. *personata fabula*.

³ Mommsen, *Rom. Gesch.*, I, 904.

character. At first they seem to have been true folk plays. A somewhat doubtful passage in Seutonius makes it probable that there were choruses in the Atellanae; *Si quidem notissimum Atellanus canticum exorsis*.⁴

In these plays there were five stock characters, and the masks used were always the same. In their general content the Atellanae seem to have resembled the folk plays later prevalent in various parts of Europe and especially the Neapolitan *Commedia dell' Arte*.

X. EPIC BEGINNINGS—CARMINA TRIUMPHALIA

The *carmina triumphalia* were licentious catches which the soldiers improvised and directed at their general during his triumph. They contained both epic and dramatic elements with the former predominant and may be considered a transitional form between earlier dramatic celebrations of victory like the mimetic *saltatio Bellicrepa* and later epic developments. The *carmina triumphalia* were a very ancient institution. Indeed they are mentioned by Dionysius in connection with the return of Romulus.¹

These improvisations on the part of soldiers in the triumphal procession were an institution in Rome down to late imperial times. They were not merely lascivious jests but contained also epic elements of a laudatory character—(*haud vanis laudibus*). Some idea of them may be gained from existing fragments, though most of these are of imperial date. They were sung in alternate strains and the concerted cry *Io triumphe* was probably repeated as a refrain. This recalls the *triumpe* refrain in the hymn of the Arval Brothers. Most of the fragments of *carmina triumphalia* extant owe their preservation to their caustic satire and peculiar neatness. Those of the laudatory content have not been deemed worthy of repetition by historians and biographers. The

⁴ Suet. *Galba*, 13.

¹ Dion. *Hal.*, 2, 34; cf. Livy, 3, 29, 5; 5, 49; 10, 30, 9; etc.

Roman genius was for humorous and satirical writing rather than for sober and stately epic.

XI. THE BALLAD

The earliest songs are derived from the meaningless sounds and ejaculations of the communal dance. Gradually the choral shout becomes interspersed with individual improvisations, at first disconnected exclamations, then descriptive and narrative bits. This is the threshold of the ballad.

Historic songs are an especially important support of national pride among fighting nations. Hence we are not surprised to find Virgil recording the existence among the early Italians of the custom of singing war songs on the march: *Ibant aequati numero regemque canebant*.¹

The historian, Niebuhr, was the chief champion of the view that the Romans possessed traditional lays. This hypothesis is now almost universally discredited.² The theory of Niebuhr is that the ground work for the original narrative of Roman history was formed by a mass of popular poems and funeral panegyrics, of which the songs once sung at banquets, and the legends related in the earlier books of Livy, were echoes.³ He defended his contention by the following arguments: (a) the inherent probability of the existence of traditional heroic ballads among the ancient Romans; (b) the literary evidence; (c) the poetical character of many stories of early Roman history, and the supposed metrical traces of ballads found in extant histories of Rome.

Against the first argument it has been urged that the Romans were too practical and unimaginative to pay any attention to the cultivation of the *artes leviores*. But the traditional ballad usually arises from a partially utilitarian motive. Literary genius and temperament, or the lack of

¹ Virgil, *Aen.*, 7, 698.

² Lately there has been somewhat of a reaction in favor of this theory. Cf. E. Meyer, *Geschichte des Altertums*, 2, 397. For a full biography of the literature on the subject see Schantz, *Römische Literaturgeschichte*, p. 26.

³ Niebuhr, *Röm. Gesch.*, 1, 268, English Transl., 1, 254.

these endowments, does not affect the main question of ballad production, but assists us only in the evaluation of such productions when their existence has been proved.

Cicero regretted that the songs were not extant which Cato said were wont to be sung many generations before his time by guests at banquets in honor of illustrious men.⁴

Valerius Maximus says that these same songs recounted famous deeds of old, and that they incited the youth to emulate the prowess of their ancestors.⁵ Varro records the same custom, but assigns the singing of the lays to boys instead of to the various guests.⁶ This is probably a later practice. Children are the residuary legatees of folk-lore and folk customs abandoned by their elders. Cicero thought that these banquet songs went back to Numa⁷ and their antiquity is also attested by Quintilian and others.⁸

Neniae seem to have been funeral dirges, sung, at first, by members of the family of the deceased at funeral banquets.⁹ Later they were recited before the mourners' houses, in the funeral procession, and at the place of burial by hired female wailers, *praefticae*.¹⁰ Niebuhr's view is that the banquet songs and *neniae* became public property and were often assimilated into history. The literary evidence is unassailable and there is much to be said for this contention.

Niebuhr's last line of argument is more vulnerable. The poetical features of early Roman history are not necessarily derived from metrical originals. Both ballad and prose legend are sources for the historian, though the priority of the ballad as a literary form is unquestioned.

Niebuhr's attempts to find metrical traces of ballads in historical writers are unsatisfactory. Our knowledge of

⁴ Cicero, *Brutus*, 18, 75. Cf. *Tusc.* 4, 2, 3.

⁵ Valerius Maximus, 11, 1, 10.

⁶ Nonius s. v. *assa voce* (Varro de vita populi Romani, Lib. ii), in conviviiis pueri modesti ut cantarent carmina antiqua, in quibus laudes erant maiorum, et *assa voce* et cum tibicine.

⁷ *De Or.*, 3, 51, 197.

⁸ Quint. *Inst. Orat.*, 8, 2, 8.

⁹ Cic. *De Legibus*, 2, 34, 62.

¹⁰ Festus, s. v. *nenia* p. 163 O. M.; *praefticae*, p. 223; Nonius, 1, p. 210; L. Muller, s. v. *nenia*; Lucilius, 954, p. 64, Marx.

ancient Roman metres is so scanty that such identifications are impossible. Moreover it is probable that the content rather than the form of the ballads would be embodied in historical writings.

Without attempting an evaluation of Niebuhr's hypothesis *qua* historical theory, it may be said that from the comparative point of view it is based upon mainly correct influences as to the development of folk literature. It is supported in its essential features by unimpeachable literary evidence.

It may be assumed that the characteristics which are common to the ballads of all peoples, were found also in those of the Romans. The rest of this chapter is devoted to an attempt to form some conception of the nature of Roman traditional lays by adding to the universal features of the popular ballad the special diversifications which may be expected from the local environment of production.

The evidence does not seem to justify Niebuhr's view that complete epics on historical subjects were produced in the period of native Roman literature. But the absence of a Roman minstrelsy does not imply the nonexistence of the popular ballad which is always the property of the simple folks, whose relation to it is in no sense professional.

There comes a time in the history of every nation when the old communal literature of tradition yields to individual production, and is either worked over into epic, lyric, and dramatic art, or, failing that, disappears entirely, except in country districts where isolation retards progress. At that critical stage in the development of Roman literature the perfect literature of Greece invaded Rome: *Graecia capta ferum victorem cepit et artes intulit agresti Latio*. The rough but virile native productions were discarded, forgotten, and lost, in the haste to acquire foreign culture.

XII. LYRIC BEGINNINGS

Lyric is distinguished from epic and dramatic production by the subjective character of its content. Lyric poetry is essentially the expression of individual emotion, and individual literary art is a late development.

The erotic impulse seems to have furnished some of the earliest stimuli to lyric production. In Rome the distinctively plebeian festivals were usually accompanied by practices of an indecent character, of which the more innocent were erotic dances. The festival of the Floralia was hailed by the prostitutes of Rome as their feast day.¹ Love songs of an obscene character were doubtless improvised on such occasions in early Rome. References to such lyrics are sometimes found in the classical writers.²

The *epithalamia*, sung at weddings must have been largely lyric in content, although we know that satire and obscene jests were the most outstanding features of such songs. The lullabies and drinking songs may also have contained lyric elements.

On the whole it may be concluded that lyric poetry in ancient Rome was neither considerable in quantity nor excellent in quality. The Roman temperament was not adapted to this kind of poetical art.

XIII. MYTH, FOLK TALE, AND LEGEND

The myth in its origin is the expression of the religious experience of the same throng that deals in song and in dance with the recent events of labor, of war, and of the chase. Myths may also be individual in origin, especially such as embody crude attempts at scientific explanation, and last of all myths may be invented to account for traditional rites of which the meaning has been lost.

¹ Cf. Ovid, *Fasti*, 330, et seq.

² Horace, *Odes*, 3, 10, *Sat.* 1, 5, 15 et seq.

The investigation of early Roman myth takes us into the field of Roman religion. The earliest stratum of Roman religion seems to have been animistic. There are traces in folktale and legend of a quasi-religious connection with certain trees and animals. But the early Romans seem to have lacked the anthropomorphizing tendency in their conceptions of their deities. Roman deities were neither married nor given in marriage and were never endowed with personality until Greek ideas were brought into Roman religion. Consequently there can never have been any considerable native mythology.

The folktale is secondary to the myth. It often deals with the material of myth dislodged from its primitive importance as efficacious religious formula, and transferred to another place in the life of the people, where it is repeated, because of the love for traditional lore. At Rome the plebeian classes retained the old Italic beliefs and superstitions beneath a superficial layer of Greek and oriental ideas. Some of these beliefs and traditions have been retained among the Italian peoples of the lower classes up to the present day. Thus the *gente Salvatica* in North Italy are the counterparts of the ancient wood sprites, the *fauni* and *silvani*. That folklore in connection with these beings must have been considerable in quantity may be deduced from the traces which have found their way into literature.¹ Stories of wolves seem also to have been popular among the Roman folk.²

The evidence points to the fact that the early Romans had a rich stock of traditional lore and of folktales which reflected their primitive belief in animated nature. Almost none of this has ventured into written literature. But some of these tales are still in circulation among uneducated country people.

¹ Ovid, *Fasti*, 3, 339, foll.; Probus, *Virgil, Georg.*, 1, 10; Livy, 2, 7; Cic. *De Div.*, 1, 45, 101; Dion. *Hal.*, 5, 16; Valerius Max., 1, 85; Varro, *L. L.* 7, 36; Calp., *Ecl.*, 1, 8, et seq., etc.

² Petronius, *Satyricon*, 62 (Buecheler), *Virgil, Ecl.*, 8, 95 et seq.; Pliny, *N. H.*, 8, 34, cf. Augustine *C. D.*, 18, 17.

Ever since the time of Beaufort scholars have recognized that a large portion of early Roman history is of a fabulous or legendary character. Historians have been too ready to cast aside all traditional material as false. There is an especially insidious temptation to this error lying in wait for the scholar who attempts to investigate the early history of Rome. For here there is the usual absence of contemporary evidence, the usual abundance of traditional material, and an unusually obvious and blatant falsification on the part of early Greek and Roman annalists. There is, I believe, no case on record in which an impudent and wholesale invention of an entire history has been foisted by a nation upon the world, or by the chroniclers of a nation upon its people. It is, therefore, incredible that the majority of Roman legends were invented by Greek sychophants to flatter Roman vanity, or that they were fabricated by the Romans in order to conceal their rude origin and ignoble past.

The Romans to some extent assimilated the legends of the people they conquered in early times, just as they often assimilated the peoples themselves. It seems probable that many of the Greek elements in Roman legends were absorbed in early times by contact with Magna Graecia, and that the inventions of later Greek annalists dealt with the minor details of history rather than with the great national legends which were the inheritance of all the people.

Roman legends have come down to us in a more or less altered form, and the burden of the proof lies with those who deny their authenticity. Archaeology, so far from invalidating ancient traditions, has everywhere given them striking and unexpected confirmation.

The whole material of early Roman history must shortly be re-examined in the light of recent archaeological discovery with its immensely important revelations of cultural and ethnic affinities.

**THE SOCIAL AND ECONOMIC EFFECTS OF
UNEMPLOYMENT IN MILWAUKEE
DURING 1908-1909**

**BY
AXEL JOHNSON**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR E. A. ROSS
1911**

THE SOCIAL AND ECONOMIC EFFECTS OF UNEMPLOYMENT IN MILWAUKEE DURING 1908-1909

AXEL JOHNSON

I. GENERAL STATEMENT

Unemployment is due to the changes which take place in industry. The conditions of unemployment among the wage earners may vary or change without any contraction in the volume of industry. The changes in industry may be due, first, to natural causes, to business failures, to the seasonal nature of the industry, to climatic conditions; second, to the consolidation of plants, to the creation of new processes, to the death and decay of industry, and finally to cyclical depressions in industry.

Owing to the great numbers that it deprives of their usual means of subsistence, and to the fact that the wage earners lack the power of adjustment, they alone give society great concern during an industrial depression following a financial crisis.

II. SOURCES OF INFORMATION

The main sources of information for this monograph are interviews with employers, officials of employers' associations, business agents of trade unions, the unemployed families included in the investigation, the relief agents, the annual reports of relief agencies, the files of the Milwaukee daily newspapers for the period covered by the investigation,

trade reviews, and personal observation during the last three months of 1908 and the first six months of 1909. It is only by taking these sources together that an index to the industrial situation as regards employment is obtained In some cases the information includes only a limited number of establishments in the industry while in others (where an attempt is made to include the entire industry) no distinction is made between the wage earners on the one hand and the salaried officials on the other.

III. THE UNEMPLOYED SITUATION IN MILWAUKEE DURING 1908 AND 1909

It can be said without fear of exaggeration that at least an average of 4000 fewer wage earners, consisting largely of pattern makers, machinists, and molders were employed in the metal industries of Milwaukee in 1908 than in 1907. Moreover, it is also true that following the financial crisis of October 1907, the abandonment of construction work on account of the approach of cold weather and the financial stringency, the closing of the lake season, and the depression in other lines, together, brought about the dismissal of at least 4000 additional wage earners who had previously been more or less intermittently employed. And finally, the unemployed in the various building trades would in all probability approach 5000 during the winter of 1908-1909. Add to the unemployed in the above groups the unemployed in the other depressed industries which would not exceed 3000 adult male wage earners, and it is safe to say that at no time did the unemployed from the depressed industries exceed 15,000 adult male wage earners in Milwaukee during the period covered by this investigation.

IV. INDUSTRIAL CAPACITY OF THE CHIEF BREAD WINNER

Among the factors which determine wage earners' dismissal in an establishment in case of a depression in industry are lack of productive capacity and moral deficiency. These, however, are counterbalanced in some cases by length of service, dependents, and influence of friends. Only 29 of the 252 chief bread winners forming the basis of this investigation could have been incapacitated by age. Moreover, more than half of the 159 chief bread winners who were members of skilled occupations had served apprenticeships; and finally, in the case of the chief bread winners in the metal trades, the previous service of the majority was quite creditable.

The wages of the skilled workmen in the metal trades were in most instances equal to, and in some cases in excess of the average wage in the occupation. The service and wages of the unskilled workmen were probably slightly below the average in their occupations.

V. FAMILY INCOMES

This chapter shows that unemployment of the chief bread winner was followed in some instances by the wife becoming an earner. Second, it shows that complete unemployment of wage earners from the date of loss of job to that of the writer's visit was exceedingly rare as the chief bread winner usually worked intermittently in the meantime either at his trade or at some inferior occupation; third, it shows that family incomes in the depression averaged less by half than had the incomes previous to the loss of job. In the fourth place, it shows a consumption of savings and the entrance into debt when they are exhausted; and lastly, the chapter brings out the fact that the unemployed body is composed of groups of wage earners, distinguishable by the way in which they tide themselves over periods of depression in industry.

VI. SOCIAL CONDITIONS

The facts arrived at in this chapter may be briefly stated thus: First, there are defects in the housing conditions in Milwaukee which may be enumerated under three heads viz., the tendency to congestion of buildings on the rear of lots, the great prevalence of basement dwellings, especially on the South Side, and the overcrowding in small houses; second, that among the families owning homes included in this investigation, the best conditions usually prevailed among the skilled laborers and the worst among the unskilled; third, of the families renting homes, good conditions prevailed among those in Group I (where the rent was \$13 and over per month), widely variant conditions in Group II (where the rent was over \$7 but under \$13), that is, in some homes conditions compared favorably with those of Group I, while in others they approached those of Group III (where the rent per month was \$7 and less) and where the conditions were most unwholesome and unsanitary; fourth, unemployment or intermittent employment develops a don't-care spirit in the home and this is accentuated by removal to an inferior domicile; fifth, there was no appreciable increase of sickness or truancy in the two hundred and fifty two families; sixth, of the one hundred and sixty two families carrying insurance of one kind or another, eighteen lost one or more policies between loss of job and date of visit; and lastly, in the matter of expenditure, amusements and wearing apparel were reduced before that for food, and outlays for food before that for rent and insurance.

VII. INDUSTRIAL EFFECTS OF UNEMPLOYMENT

The skilled wage earner seeks re-entrance into his trade immediately after dismissal regardless of the numbers unemployed in his occupation After repeated failure to find a job in his trade he begins to seek inferior work. Of the

ninety-two chief breadwinners in this investigation who belonged to the metal trades a large proportion worked intermittently at inferior occupations during the interval between loss of job and date of visit. However, it is in most cases with great reluctance that the skilled workman accepts unskilled work. In the first place it points to his incapacity; second, there is the disagreeableness of inferior work; third, there is the fear of diminished future efficiency; fourth, there is the irresponsibility of unskilled work; and lastly, there is the fear of the inability to become reabsorbed in one's trade either before or after business begins to expand.

There were few general cuts in wages, but at re-entry in their occupations many of the skilled workmen received less wages than previous to the loss of job In the presence of a surplus labor, with some exceptions, there is a marked change in the attitude of the men retained in the shop. They tend to become more regular and to increase their rate of work.

VIII. MORAL EFFECTS OF UNEMPLOYMENT

Unemployment in the first place produces the feeling of incapacity in the individual; second, there is a disintegration of character and a lowering of industrial efficiency owing to the irregularity of income; third, it breeds habits destructive to character and industrial efficiency; fourth, unemployment develops a don't-care spirit in the home, largely because in many instances there is a loss of associates; and lastly, there is the ethical effect of unemployment,—that is, it shatters the previously formed standards and ideals of the individual.

**CLASSIFICATION OF INDUSTRIES UNDER THE
FOURTEENTH AMENDMENT OF THE
CONSTITUTION**

A STUDY IN SOCIAL LEGISLATION

**BY
SELDEN GALE LOWRIE**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR PAUL S. REINSCH
1912**

CLASSIFICATION OF INDUSTRIES UNDER THE FOURTEENTH AMENDMENT OF THE CONSTITUTION

A STUDY IN SOCIAL LEGISLATION

SELDEN GALE LOWRIE

It is frequently necessary to limit the operation of laws to certain individuals and places. What may be the proper regulation in one case may be harmful in another. Different economic and social standards should be established in forms of industry, which are dissimilar in character. This has been a common practice in legislation in our federal and state governments and in foreign countries.

Some laws are of an experimental character and it is advisable to determine what will be their influence on selected industries before extending regulation to the entire field.

The necessity for grouping is particularly evident in social legislation. This is primarily a field of state activity, but all state laws must conform to the standard of "due process" prescribed by the fourteenth amendment to the federal constitution. By this amendment, an adjustment between the standards set by the federal and state governments is brought about and increased power given to the federal judiciary.

It is the purpose of this study to determine what has been the attitude of the courts of the federal government and of Wisconsin and Illinois toward the classification of industries by the legislatures.

Prior to the adoption of the fourteenth amendment the chief provisions concerning equality before the law were the guarantee to the citizens of each state of the privileges and immunities of citizens of the several states and the clause promising maintenance of a republican form of government. The fifth amendment, forbidding the taking of life and property without due process of law, was binding upon the federal government only. The effect of the fourteenth amendment upon social legislation through its restraint upon the right to classify for legislative purposes came to be recognized but slowly.

The general principles laid down by the federal Supreme Court are of so broad a character that little can be gained from their assemblage and it is only by a study of the cases in which these principles have been applied that an accurate conception of the attitude of the court is obtained. As a rule, a large degree of freedom has been allowed the state in the exercise of its police power. Power to classify may be delegated in certain cases to administrative authorities who are limited in its exercise by the same principles which control the legislature. Corporations have been held to be persons within the meaning of the "due process" clause and arbitrary discrimination against them is not permitted. They are subject, however, to closer limitations than natural persons because of the right the states usually reserve to amend corporate charters and to prohibit foreign corporations from doing a business within their borders. Classification by residence, sex, size, and character of the business are upheld when the nature of the regulation has had a proper relation to these matters. On the other hand, a law apparently equal may be so administered as to offend the constitutional prohibitions. As a rule the interpretation given the fourteenth amendment by the federal courts has not been a great restraint upon the power of the state legislatures to classify.

In state decisions interpreting due process guaranties of the state and federal constitutions, a different situation presents itself. The decisions of the federal courts are binding with respect to their interpretation of the fourteenth amendment to the federal constitution but not with respect to the interpretation of the due process clauses of the state constitutions. After a state law is declared unconstitutional by the state supreme court there is no appeal. Many of the state courts had established principles of classification under the state constitutions before the fourteenth amendment of the federal constitution was adopted or its applications defined. Where decisions are based upon the state constitution, their effect may be lessened by changing the state constitution, but where they are based upon the federal constitution a similar course is practically impossible.

Before the due process clause of the federal amendment had been developed by interpretation the Supreme Court of Wisconsin had established by an interpretation of a section of the bill of rights practically the same principles of classification as came later to be used by the federal courts. The decisions of the Supreme Court of Wisconsin under the fourteenth amendment of the federal constitution have usually been only elaborations of these early holdings.

In Illinois a similar situation exists. Various clauses of the constitution prohibiting special laws and demanding equality in taxation were enforced before the fourteenth amendment came to be cited. But here the fourteenth amendment has been interpreted as establishing a much stricter limitation upon the legislative power than that outlined in the state constitution. Some of the most important cases involving classification for social legislation have come from this jurisdiction. Examples are: *Munn vs. People*, 69 Ill. 80, involving a classification of certain businesses with respect to regulation of rates, *Consolidated Coal Company vs. People*, 186 Ill. 134, involving a classification by number for

inspection purposes and *Ritchie vs. People*, 155 Ill. 98, wherein it was denied that women formed a special class with respect to laws limiting the hours of employment. The latter case suggests the attitude this court has taken with respect to labor legislation and the doctrines laid down in this decision have seriously retarded the development of social legislation in the state.

The decisions of the federal court and of the Wisconsin Supreme Court can not be said to have placed serious restraints upon the growth of social legislation. The Illinois court has taken a much more conservative attitude, and, occasionally, has attempted to establish its decisions upon what it considered broad principles of public policy. This is a field for legislative rather than judicial action for the legislature alone is organized for the effective expression of public opinion.

**THE MASORETIC TEXT OF NAHUM
CRITICALLY COMPARED WITH THE ANCIENT
VERSIONS**

**BY
WILLIAM FREDERICK NOTZ**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR L. B. WOLFENSON
1909**

THE MASORETIC TEXT OF NAHUM CRITICALLY COMPARED WITH THE ANCIENT VERSIONS

WILLIAM FREDERICK NOTZ

The observation of traces of an alphabetical arrangement of certain parts of Nahum in Hebrew (to which Frohnmeyer first called attention), as well as the epochmaking results of Assyriology during the past fifty years have given a specially fruitful impulse to a renewed study of the extant literary remains of the prophet Nahum. The commentaries of Hitzig, Steiner, Orelli, Nowack, Marti, Haupt, and the special investigations of Jeremias, Billerbeck, Bickell, Gunkel, Wellhausen, Rubens, and many others give abundant evidence of this. At the same time valuable detail work has been done in the field of textual criticism, which, however, is scattered throughout numerous journals, monographs, and various other scientific publications.

Kittel, in his monograph, "*Die Notwendigkeit und Moeglichkeit einer neuen Ausgabe der Hebraeischen Bibel. Studien und Erwaegungen*," Leipzig, 1901, p. 76 (cf. also Baer in *Theol. Lit. Zeitg.* 1900. col. 579), pointed out the desirability of a complete "*Variantenbibel*," containing a full critical apparatus, such as the *Masoretic Textus Receptus*, the parallel texts, and the versions offered.

In the following treatise an attempt is made to gather and sift the great mass of textcritical work as far as it relates to the Masoretic text as compared with the extant ancient versions of the book of Nahum, with the addition of such new material as the writer was able to adduce, with a view

to offering in comprehensive form a contribution to what Kittel mentions (see above) as a "desideratum of modern Old Testament study."

As regards the literature on this subject all of the better commentaries, beginning with Steiner's edition of Hitzig's *Commentary on the Minor Prophets*, have based their investigations dealing with the differences between the Masoretic text and the ancient versions on the excellent (although now antiquated in many respects on account of the limited critical apparatus at the disposition of its author) investigations of Reinke, *Zur Kritik der aelteren Versionen des Propheten Nahum*, Muenster, 1867, and Vollers, *Das Dodekapropheton der Alexandriner*, Berlin, 1880, Halle, 1882 (Inaugural—dissertation). Both Reinke and Vollers made little or no use of the various different readings of the collated Septuagint manuscripts, of which Swete, in his *The Old Testament in Greek*, 1894, Vol. III, gives about 250 for Nahum alone. Both based their work especially on the fundamental critical investigations of Rosenmueller, *Scholia*, Leipzig, 1788–1817; Schleussner, *Novus Thesaurus in LXX*, Lips., 1812; J. H. Michaelis, 1720; L. Cappel, G. J. L. Vogel, J. G. Scharfenberg, *Critica sacra*, 1775–86; A. Tromm, *Concord. gr. LXX interpr.*, Utrecht, 1718; Th. Studer, *De versionis Alex. origine*, with a supplement on Nahum, Bern, 1823. Of the more recent works, Mark Seboek's otherwise valuable book, *Die Syrische Uebersetzung der zwoelf kleinen Propheten*, Breslau, 1887, offers, as far as Nahum is concerned, little more than Reinke. J. Z. Schuurmanns Stekhoven's *De Alexandrynsche Vertaling van het Dodekapropheton*, Leiden, 1887, is a valuable addition especially to the work of Vollers. In the *Jewish Quarterly Review*, VII, 1894, pp. 630–657, M. Adler published new investigations on the Targum.

In preparing the present study the writer aimed chiefly at the following points: (1) To establish the text which served as the prototype for the different versions; (2) To ascertain

how this text differed from the present Masoretic text; (3) To establish the relation between the different versions themselves; (4) To designate the relation of each separate version to the Masoretic text, whether the translation is faithful, slavishly literal, free, or paraphrastic; (5) To determine the value of the different versions for textcritical purposes.

With this aim in mind we proceed to consider the several versions in the order of their importance for critical work.

SEPTUAGINT

The LXX version of Nahum follows the Hebrew original quite closely and frequently aims to render the words rather than the sense. For (comparative) critical purposes this makes it very valuable in fixing the Hebrew text which served as its prototype. Special problems arise out of the numerous variant readings of the different Greek codices themselves. Swete, in his *The Old Testament in Greek According to the Septuagint*, Cambridge, 1894, Vol. III (which we have followed in our investigation), follows the Vatican manuscript (B). In addition to this he gives about 250 variant readings for Nahum from the codices Alexandrinus (A), Sinaiticus (* /_s), Marchalianus (Q), Cryptoferratensis (Γ) as well as others. These variants are of importance (more or less) for our present investigation. (Cf. I, 5, 6, 9, 10, 11, 15; II, 2, 4, 7, 9, 10; III, 2, 3, 5, 6, 8, 9, 10, 11, 12, etc.) It is to be noted that AQ frequently offer important variant readings over against B. Also codex * /_s, especially * /_s*, repeatedly goes its own way.

Fraenkel (*Vorstudien*, 1841, p. 201), Gesenius (*Geschichte d. Hebr. Sprache und Schrift*, 1815, p. 78) and Vollers (*Das Dodekapropheten d. Alexandriner*, Halle, 1880, p. 4ff.) called attention to an aramaïsing tendency of the Septuagint, i. e., expressions of the translator which shows that he was familiar with the Aramaic dialect, where this version gives to a Hebrew root a meaning that is at best uncommon or doubtful in

classical Hebrew, but prevalent in Aramaic. In view of the fact that the Aramaean language was used in the every-day life of the Jews at that time, it seems quite probable that it influenced also the LXX translation. In a number of instances this is apparent also in Nahum (I, 3, 4, 12; II, 6; III 3, 8).

In attempting to establish the Hebrew text which served as its prototype, the differences from the Masoretic text, which the LXX presents, are of great importance. They may be traced back to the following causes: 1. Confusing, transposing, or omitting similar letters (I, 2, 5, 6, 8, 10; II, 2, 4, 5, 6, 8, 10, 12, 14; III, 6, 7, 9, 14, 17, 18); 2. Similarity of sound of different words (I, 3, 7, 10; II, 11); 3. Permutation of tense, number, and other grammatical forms (I, 4; II, 6, 10; III, 7, 8, 10, 16, 17); 4. Substituting abstract for concrete (I, 7); 5. Incorrect derivation of word forms (I, 9, 12, 13, 15; II, 2, 4, 5, 6, 8, 10, 12, 14; III, 1, 6, 7, 8, 9, 17); 6. Interpolations, duplicate translation (I, 9, 10; II, 4, 5, 6, 9; III, 12, 13); 7. Incorrect construction (I, 10, 11, 12, 14; II, 4, 5, 6; III, 2, 3, 13, 18); 8. Omission of words, suffixes (I, 10, 12; II, 8, 11; III, 15, 17, 18); 9. Different pointing or vocalization of Hebrew words (I, 11; II, 2, 4, 6; III, 8); 10. Miswriting (I, 11; II, 7; III, 12); 11. Incorrect division of words, homoioteleuton (I, 12, 15; II, 8, 9; III, 17); 12. Different prototype (I, 12, 13; II, 4; III, 7); 13. Explanatory translation (III, 14).

SYRIAC

The Peshitto belongs to the better of the direct old versions. In general it translates the Hebrew original better and more correctly than the Septuagint, although there are many inaccuracies and mistakes. Frequently it follows the LXX closely, even where both deviate from the Hebrew. From passages where the Peshitto approaches and relatively

accords with the Targum, Gesenius, Credner, and others concluded that the Peshitto consulted the Targum, but this is by no means certain, and would have influenced only single words or passages and not the character of the whole version. That the Peshitto is nevertheless a direct translation of the Hebrew and not of the Greek is evident from numerous deviations which can only be explained on the basis of phonetic misunderstanding of the Hebrew original (cf. Perles, *Meletemata Peshittoniana*, p. 16 ff. and Seboek, p. 3). We group the deviations of the Peshitto from the Masoretic text as follows: 1. Differences caused by variously pronouncing the unvoweled consonantal text (I, 12; II, 4, 9, 14; III, 8, 9, 18); 2. Change due to orthography, use of mater lectionis (II, 5); 3. Error caused by the translator hearing a different word from that which his eye sees, and following the word imagined (II, 6); 4. Corruptions due to faulty transmission of Syriac text (II, 1; III, 10, 14); 5. Deviations caused by Peshitto deriving the Hebrew form from a different root than that which the Masoretic text had in mind (II, 4; III, 15, 19); 6. Attempt of the Peshitto to avoid anthropomorphism (I, 2); 7. Deviations where the Masoretic text also offers difficulties (I, 10, 12; II, 4); 8. Passages where Peshitto agrees with Targum (I, 4, 14; III, 8, 19); 9. Peshitto agrees with Septuagint (I, 9, 11, 12; II, 3, 9, 12, 14; III, 3, 8, 11, 13).

VULGATE

The Latin Vulgate of Jerome is a direct translation of the Hebrew original. It offers, on the whole, a faithful and quite accurate translation of the Hebrew. Frequently it is somewhat too literal. Its deviations from the Masoretic text are: 1. Incorrect interpretation of the Hebrew, figurative translation (I, 5; II, 10; III, 1, 9, 11, 17, 18, 19); 2. Confusing similar letters and thus producing a different word (I, 7; II, 3; III, 3, 8, 14, 17); 3. Incorrect or different construction from

Masora (I, 10, 12, 14; II, 1, 4, 13; III, 3); 4. Incorrect vocalisation (I, 11, 13; II, 1, 7, 8, 11; III, 8, 9, 16, 18); 5. Omission of letters, words (I, 12; II, 9; III, 10); 6. Incorrect derivation (II, 4, 7); 7. Additions (II, 7; III, 1, 7).

TARGUM JONATHAN

The Targum Jonathan to Nahum is less important than the other versions. It is seldom literal, and usually only when the presentation is not figurative and the meaning of the context easily understood. Those passages which give a comparatively accurate rendering of the Hebrew original are, however, few in number, for, in general, the Targum does not mind Hermeneutic rules, and paraphrases in an exceedingly arbitrary manner. Passages, which, in the original Hebrew text, are dark or full of pictures, the Targum expands or paraphrases for the benefit of the less educated Jewish readers, frequently inserting larger additions of its own to such an extent that the sense of the original is often totally disfigured and hardly to be recognized. It is also influenced by the Jewish theological views of its time. For comparative critical purposes its value is twofold: (1) In passages where the Targum agrees with the other versions over against the Masoretic text, it gives an additional weight to the former. (2) It gives us the views of its translator and the Jews of his time.

ARABIC VERSION

The Arabic version of Nahum is based upon the Septuagint. It is, therefore, an indirect and not a direct translation of the Hebrew text. According to Ryssel (*Z. A. W.* 1885, p. 102 ff. 158) the Arabic version exhibits in the Prophets a text akin to that of the Codex Alexandrinus. It follows the LXX closely and shows the same errors that we find in the Greek version. It has but very few smaller additions or omissions. Nevertheless a comparison of the

Greek with the Arabic shows that the latter attaches certain meanings to words that are unknown to the LXX, and this makes it probable that the Arabic here and there made use, if not of the Hebrew text, then of some other version besides the LXX. H. Hyvernât (in Vigouroux, D. D., p. 846) thinks it shows traces of Hexaplaric influence. Since the Arabic is only an indirect version of the Hebrew, it is of less value for a critical study of the Hebrew text than the other older direct versions. Its real value lies in the fact that from it we can tell the condition of the Greek Ms. which served as its prototype, and thus it serves as a check on the present LXX Mss.

We note the following characteristics: 1. Omissions (I, 2, 14, 15 (II, 1); II, 4); 2. Confusing letters (I, 6); 3. Transposition of words (I, 8); 4. Additions (I, 9, 15 (II, 1); III, 11, 15); 5. Explanatory rendering (I, 10; II, 7); 6. Incorrect construction (II, 11); 7. Incorrect division of words (I, 12).

In summing up we find that the plus as well as the minus of the versions, as compared with the Masoretic text, consists of minor important forms which can be readily explained if we give to the active minds of the several translators a certain amount of leeway, and thus do not restrict the translator's freedom too closely.

In the few passages (II, 3, 4, 8, 9, 11, 12; III, 8), where the direct versions, LXX, Syriac, Vulgate, agree against the Masoretic text, and offer a different and equally good reading, the latter might perhaps be preferred, as offering the original reading, especially where the present Masoretic reading may easily be derived from them. Nevertheless it is to be noted that the relative superiority and originality is still debatable and not at all compelling, because the possibility always remains that these variants arose out of an interchange of similar letters. As regards the purely critical value, the Masoretic text, therefore, claims preëminence over against all the versions, for they all, in a greater or less degree, exhibit certain unavoidable, inherent weaknesses.

**MUNICIPAL AND FEUDAL TENDENCIES IN
ROMAN IMPERIAL ADMINISTRATION, WITH
SPECIAL REFERENCES TO THE EDICT
OF CARACALLA**

**BY
RICHARD FREDERICK SCHOLZ**

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RICHARD FREDERICK SCHOLZ

The counsel of the first Augustus, not to extend further the boundaries of the Empire, was soon forgotten and in the succeeding years, especially in the eighty years from Claudius to Trajan, the area of the Empire was almost doubled. Roman imperialism was not merely the heritage of the Republic. The conquest, annexation, and incorporation of the vast area since Actium and the consequent increase in the numbers of the subject peoples, with all their differences in race, language, religion, and social habits, immensely complicated the problem of governing, administering, and defending the Empire, and the tremendous task of assimilating and developing the great stretches of frontier lands finally exhausted the energies of the Roman State. Much discussion has been stirred up by a recent address on *Ancient and Modern Imperialism* by a modern Empire-builder and many attempts have been made to discover the secret of Rome's success. Hogarth finds it in the absence of "great national unities and cohesive social systems," of "those great social weapons, Christianity and Islam." Strachan-Davidson thinks it was due to Rome's liberal policy of extension of citizenship, "that most potent instrument of civilization," the solvent before which the walls of partition, colour, race, religion, social prejudices go down."

Another English scholar, Professor Haverfield, concedes that Rome's performance was unequal and that in the East, "the old coherent forces of Greek civilization and of the yet older Oriental culture" were a real obstacle, "the true obstacle to imperial assimilation," and that "in the Roman world a political colour sense hardly existed and . . . coherence is . . . an even greater bar than colour". Evidently and obviously there is no single simple formula for Roman imperialism. It meant many things and many different things in different parts of the Empire, in the East and in the West, on the frontiers and in the interior districts, and it varied greatly in tempo, intensity, and permanence of its results. Generalizations are, therefore, dangerous and yet despite manifold differences in form and method and diversities of geographical conditions and historic circumstances, there is a unity underlying the whole process of development.

The two great problems which the Roman emperors were called upon to solve were (1) adequate provision for imperial defence and order within the empire and (2) the creation of sufficient revenue and of adequate and efficient administrative machinery for its distribution and collection. Not the old republican policy of political compromise and ruthless exploitation, but the new and larger military and, above all, fiscal and administrative needs determined the form and future of Roman imperialism. It is from this standpoint that I wish to deal somewhat in detail with two aspects of the great process: the municipal and feudal tendencies in Roman imperial administration from Augustus to Caracalla, with special reference to the Edict of Caracalla. The two characteristic features of the early Empire are on the one hand the rapid spread of the municipal system with the evolution of the decurionate and of a general municipal law and, on the other hand, the unsolved agrarian question of the Republic in a new and complicated form, the growth of great estates, especially of the public and imperial domains, and of the

colonnade, with the development of administrative law, *leges saltuum* and imperial edicts. The problems of administration and of the conservation of natural resources loom up large and on their solution depends the estimate of the success of the policy of the Caesars and the permanence and justification of their rule.

By 49 B. C. the municipalities of Italy had been carried to the Alps and Julius Caesar was ready to take up again the program of the Gracchi, the expansion of Rome into the provinces. The social war had but accelerated the tendency towards the general leveling in the status, organization, and administration of the various cantons, city-states, municipia, colonies, and other urban communities, and the Roman Republic in Italy was now but a confederation of cities and the Roman citizen owed allegiance not only to imperial Rome but to his local fatherland. Even before the days of Augustus the expansion of Rome into the provinces had begun to find unofficial channels and expression in the diffusion of groups of Roman citizens (mostly Italians) in the great seaports, in trading centers of the Mediterranean, and even in the interior districts.

With Augustus and his successors, especially under the Flavians and the second century emperors, the municipalization of the provinces goes on apace. Now, the Empire has been defined as an aggregate of civitates and the civitas is generally considered to be the only vital political and administrative unit in the Empire. The civitas may be the Greek or Italian form; it may be a cantonal system, as in Gaul; it may be a town with a large tributary territory and with many attributed villages. Its status may vary; it may be a free town, a federated city, or one of the countless subject communities. But the municipality of the Empire was of a more uniform type and the civitas of the republican days was gradually and unconsciously assimilated to the urban organization and to the administrative machinery of the

imperial colonies and municipia. In the East Rome already found the highly developed Greek city-states and she was but the successor of the Hellenistic monarchs in the comparatively few city foundations she undertook. In the West the introduction and development of the municipalities brought about Romanization in more permanent form. But whether it be by the creation of new centers or by the more common process of transformation and evolution of old communities, rural or urban, into full fledged towns, Rome always respected local custom and law. There was no general legislation, no single municipal law to be applied to all parts of the Empire.

Yet in the course of two centuries leveling forces and tendencies were at work in removing differences between the colonies, municipia, and civitates, in evolving a more or less uniform type of municipal organization, and these forces and tendencies were but the expression of economic, fiscal, and administrative needs. The non-Roman and provincial towns were rapidly approximating each other or gaining the status of municipia and even of colonies. They suffered the loss of their immunities, of their liberty and self-government through the voluntary surrender of rights, through the interference of the central government in seriously limiting the right of asylum, exile, coinage, but especially in the administration and jurisdiction in civil and criminal cases by the right of appeal to the provincial governor and the emperor, by the assize system, by imperial rescripts. With the exception of the special favors shown to favorite towns by individual emperors, e. g., in the granting of the Italian or Latin right, the difference between these civitates becomes one of history rather than of fact. And the same applied to the Roman towns, the colonies, and municipia. In the spread and growth of new towns different factors were involved. In most parts of the Empire the Roman peace brought order and increasing prosperity and the rapid economic de-

velopment following on the building of Roman roads, aqueducts, public works, and the unconscious Romanization in habits and social customs brought in its train the evolution of villages, both rural and urban, into full fledged towns and municipia into colonies. In other districts the common religious center, whether for local worship or for the cult of Rome and Augustus, developed into a city center. In still other cases the municipality or the colony owed its position to the favor of the Emperor—so the Flavians in Spain, Hadrian and the Severi in Africa—but it is especially the military Romanization that deserves attention. In the first century, beginning with Augustus, it took the form of veteran colonies; the legionary camp and the city were still mutually exclusive terms. But the trader followed the soldier and in the barrack cities we have the beginning of new municipal centers; and since the days of Hadrian not only the *canabae* and the auxiliary stations but even the legionary camps formed the basis and nucleus for later towns. With the introduction of local conscription by Severus and the consequent development of local interests, social and economic, this urban development was accelerated and intensified and we find municipia in the frontiers of Dacia and on the borders of the Sahara. (In the conquest of Dacia the decimation if not extermination of the native population made necessary the transplantation and importation of colonists from all parts of the empire to hold this outpost against the wall of barbarians.)

Accompanying this spread of municipalities, Roman or Latin, this leveling of status is a parallel tendency, making for the evolution of a uniform municipal type and a general municipal law. The loss of local sovereignty, the same administrative needs, mismanagement or local distress, financial anaemia of the Empire were working in this direction. It was a part of imperial policy to create an aristocracy of the well-to-do and propertied classes of the Empire and we

are not surprised to find the emperors encouraging timocratic institutions in the towns and cities. The most effective means of creating this local aristocracy of Roman citizens was the grant, individual or collective, of the Latin right, which operated negatively in practically restricting the citizenship in the towns to the privileged classes, and thus bringing about the disfranchisement of the masses. Through the increasing frequency of the imperial rescripts, due largely to the maladministration, corruption, and graft prevalent in many of the municipalities, especially in the East, through the sending of special imperial commissioners, especially of the curator r. p. who usurps many of the functions of the local magistrates and ultimately becomes the permanent imperial official in the municipalities, through the increasing habit of resorting to an appeal to the provincial governor or to the emperor, municipal self government succumbed to the necessary and inevitable encroachments of the central government. The system of unpaid magistracies and municipal honors with the attendant admission fees and the heavy incidentals, especially the giving of games for which in many municipal charters a minimum of expenditure is fixed but no maximum imposed, soon resulted in a dearth of candidates and the popular electoral assemblies in the provincial towns followed in the footsteps of the comitia at Rome and died by atrophy of function. Naturally this process was gradual and varied in the different provinces, but the silence of thousands of municipal inscriptions is eloquent testimony to the general truth of the statement as over against an archaic revival of popular election in an ancient Italian town or the late survival of the popular election in a prosperous African community. Here again the net result was a practical restriction of the duties and privileges of citizenship to the propertied, privileged classes. With the decay of the popular assemblies, with the resort to force and compulsion in an effort to secure the requisite number of municipi-

pal magistrates, the center of gravity in the municipal constitution was inevitably shifting towards the local senates of decurions and the uniformity of the imperial *leges datae*. The increasing number and assimilative influence of the imperial rescripts, the consistent appeals to the provincial governor and the steady and inevitable interference and encroachments of the imperial officials—all these working together with the administrative needs of the towns and of the central government—resulted in the evolution of a general uniform municipal law, the sum total of accumulated precedents and accumulated experience. In the time of Septimius Severus, certainly not later than Caracalla, the *municipium* had shrunk to the wall of the local senate house and decurionate order had become a corporation filling its numbers, not by *ex-magistrates* and by popular election, but by *co-optation*,—responsible for all branches and departments of municipal administration, designating its members for the municipal magistracies and the municipal charges. The privileges of Roman citizenship had become obligations and duties. And this municipal administrative machine and these municipal honores and munera were now fixed by a body of municipal law slowly evolved but now crystalized in the writings of the jurists. The administrative and fiscal policy of the emperors had sacrificed municipal life and the municipality as a vital political organism to the needs of the Empire. Largely because of unknown or misunderstood economic laws and social forces rather than through the conscious consistent policy of imperial interference, municipal self government had become an anachronism. The *ordo decurionum*, the only surviving element of the orthodox municipal constitution, had become but a wheel in the great imperial machine. Important as was their role as taxpayers and liturgists, they were responsible for the distribution of all municipal offices and charges, above all for certain imperial obligations, especially the distribution,

collection, of and corporate liability for the imperial taxes. Small wonder that the victims of a misguided imperialism attempted to drag others into the net, that at the request of the curia surrounding villages were attributed to the city center and reinforcements and new recruits were won for municipal and imperial service. Small wonder that in some districts, particularly in the East, these citizens of the Empire deserted their ancestral fatherland and found a refuge in the villages where citizenship with all its burdens was unknown. If the third century reveals the spread and introduction of this decurionate system into different provinces, e. g., in Egypt, as an administrative measure, it also reveals the beginnings of that "famine of men" and that "flight of the curiales" which was soon to become chronic and which, through the ruthless development of the theory and the even more ruthless application of the principle of "origo," was to result in fugitive slave laws for the servitude of the curia and in immobility and social stagnation, in fixity of condition, local and social, soon to be crystalized in the law codes and imperial rescripts. Defying the normal workings of the economic law of supply and demand, with no floating national debt to make prosperity pay for its share of material comfort and progress, with a depreciated currency and a chronic deficit, with inadequate machinery, the only way out was this inverted state socialism which made of its citizens stewards and servants of the state. The administrative and fiscal needs of the Empire had resulted in this elaborate munera system imposed on a small group of privileged citizens. The language of the imperial rescripts of the third and fourth centuries tells the same story; for citizen is now synonymous with curial, and more frequent than these terms is the single and significant word, *municipes*. The spread of the municipal system, the leveling of towns of all grades and status, the evolution and spread of the decurionate and of a general municipal law, based on the principle of *origo* and its accom-

paniment, the munera system,—this is the result of the Roman imperialism of the early Empire, but it is only one half of the story. Paralleling this development is another, the growth of feudal tendencies in the Roman Empire. As over against the recognition in law of the *civitas* as the political and administrative unit of the Empire and as against the one-sided view that the Empire is but an aggregate of *civitates* (Mommsen, Kuhn, Mitteis, et al.) we are coming to recognize more and more the persistence of the agrarian question under the Empire in a new form. Quite as important as the efficient administration of and in the towns is the problem of the conservation of natural resources (land, mines, etc.)—for land is the chief source of revenue under the Empire.

Like the municipalization of the Empire, the growth and spread of the domains (public, imperial, and private) was due to various causes, assumed various forms in different parts of the Empire, and varied in tempo and in the permanence of its results. All of the public domain of the Republic, which, except in the case of *agri assignati* (*viritim* or collective as a colony) or of lands exempted by special act, always remained in law *ager publicus populi Romani*, was taken over directly by the Empire. To this must be added the vast crown lands of the Attalids, Seleucids, and Ptolemies and of the client kings on the frontiers (e. g., Cappadocia and Mauretania)—further increased by the imperial policy of confiscating or at any rate reducing the area of the temple and military lands. With the extension of the frontiers and the need of securing them not only did the emperors resort to the military romanization referred to above, with its Roman roads (*limes*), its legionary camps and auxiliary stations, its veteran colonies, the creation by actual settlement or by special act of new *municipia* and the transformation of barrack settlements into towns, but they were face to face with the tremendous problem of developing, settling, and

assimilating as an organic revenue-bearing civilized part of the Empire the vast townless frontier areas. (Agri Decumates—Laeti—Settlement of Germans within the Empire as early as Augustus and Tiberius.) To all these various estates the increasing number of fundi excepti must be added.¹

Attention should be called to another important tendency which began as early as the first century B. C.—the growth of private property in land. The “aggressive imperialism” of the Republic had opened up endless opportunities for investments in the land of the provinces and the *conventus civium Romanorum* are evidence of this expansion of Rome into the provinces, just as the massacre instigated by Mithridates bears witness to the hostility created among her subjects by this exploitation in the name and by virtue of Roman citizenship. In the storm and stress period of the civil wars the successful generals and party leaders had helped themselves freely to the former public domains and valuable lands of the Hellenistic monarchs and in the general property upheaval Roman capitalists had not been slow to discover new opportunities and new fields for investment. The early emperors too had made gifts of land to the members of their household, to their friends and favorites. Furthermore, with the substitution, gradual but effective, for the old corporation-contract system, of the efficient imperial administrative machinery and the *civitates* as corporate administrative groups, in a period of internal peace, the economic prosperity of many parts of the Empire was the inevitable result. Particularly in the corn provinces (now that the agrarian question was settled for Rome by “bread and the circus” and for Italy by the *latifundia* and *saltus*) investments in land and state contracts for the cultivation of the public domains became immensely profitable. Partly as a result of the large returns on the capital invested, partly due to the decrease

¹ Hyginus (*Lachmann*, p. 197, 1, 10 f.): *Excepti sunt fundi bene meritorum, ut in totum privati iuris essent. nec ullam coloniae munificentiam deberent, et essent in solo populi Romani.*

in the supply and the increasing distrust of slave labor, partly due to the policy of the imperial government, the growth of private ownership and lease of land is one of the noticeable features, especially of the first century A. D. But this was counteracted by the actual purchase, more often by legacies and bequests, and under emperors like Caligula and Nero by the actual confiscation of large areas of private domain.

By no means the smallest of the tasks of Augustus and the early emperors was, therefore, that of "putting the house in order," of regulating the conditions of tenantry and state-contracts (cf. Vespasian's interference in Cyrene and Italy), and of creating machinery for the administration of these vast areas. (Vespasian's *λόγος οἰσιακός* in Egypt and the *patrimonium principis*.)

In the conservation of the natural resources of the Empire the imperial government resorted not merely to the "nationalization" of the land but also to the government ownership and, if not administration, the regulation of mines, quarries, and other natural resources. With the increasing tendency towards centralization and the improved methods of administration in the imperial provinces it was inevitable that the old senatorial provinces with their old-fashioned methods should gradually pass under the control of the emperor and his officials. The decline of the old republican treasury and the diversion of most of the revenues and taxes, direct and indirect, into the *fiscus* was an inevitable committant of the process. Under Septimius Severus the public domain of both the senatorial and imperial provinces became imperial property and was so administered. Altogether then, the first two centuries of the Empire chronicle the concentration of land (private estates, *ager publicus*, and crown lands) and government ownership and centralized administration and regulation of these enormous imperial properties. Private property in land, *large private saltus*, and *fundi excepti*, of

course, continued to exist throughout the imperial period. But as in the case of the *civitas* and the municipality, centralizing and leveling tendencies and social and economic forces are bringing about a more or less uniform administration, a leveling of status and social condition, the development of administrative law and of peculiar relations between the imperial government and its officials, and the possessores, state contractors, and tenants (*coloni*) on the estates.

Lack of time forbids any detailed description of the organization and administration of these imperial domains. It is important to point out in passing, however, that in many respects the emperors were merely following in the footsteps of their Hellenistic predecessors and that Rome accepted the conditions as she found them. Just as there was no general uniform municipal law, so there was no general *lex saltus* equally applicable to all parts of the Empire. Here, too, economic and administrative necessity and fiscal needs forced the hands of the government, and the attempts and honest efforts of great administrators like Vespasian and Hadrian to carry out the policy of creating a healthy "land-bourgeoisie" and of protecting the interests of the plain people were doomed to failure. Most of the domains were organized on the village system, were exempt from municipal and provincial jurisdiction, and the mass of the agricultural population were the direct subjects of the emperor and under the immediate supervision and jurisdiction of the imperial procurators. Where the indirect system of state contractors was resorted to, in the second and following centuries even in the case of possessores developed into fullfledged towns, but for the most part, especially in the East, the village system persisted. And as in the case of the municipal development, the administration of these estates was based on a direct liturgy or *munera* system and on state contracts which were practically liturgies imposed on wealthy

property owners. By means of the *epibole*, *emphyteusis*, by compulsory contracts or by compulsory lengthening of the contract tenures, the imperial government was trying to solve the problem of the conservation of its resources and public domain. The result of it all was the rigorous application of the *origo* principle, with its corollary, the *munera* system, and it tended as in the case of the towns to fixity of conditions, local and social. It made of the *possessores* *liturgists* and permanent servants of the imperial government. It ended for the mass of the laboring population in quasi-serfdom. There was as yet no crystalization of social classes fixed by law; but we are well on the way towards the state colonate, and the effect on private estates was soon noticeable. If archæological and literary evidence still supplies us with pictures of prosperous agriculturists in the life of the Antonines, there are signs of that famine of men and flight of the servants of the crown which presented a growing problem to the imperial officials in the administration of the towns. Early in the third century there is evidence for demunicipalization in the desertion of citizens of Greek towns and their return to the more primitive village system on the great domains. Synchronous with the spread of the municipal system in the first two centuries of the Empire is this growth of the imperial estates and public domains and private. In both cases the needs of revenue and of administration cooperated with other social and economic tendencies which forced the hands of the central government and resulted in a uniform administrative type and a uniform administrative law. In both cases it meant the introduction of a business administration on a social basis. It called for the application of the *origo* principle and the *munera* system and it resulted in a great leveling tendency which made of the private owners state-servants and which was to make of the free tenants the *coloni* of the later days of the Empire.

In conclusion a few words about the interrelation of these two parallel processes of municipalization and "feudalization," of their relation to the edict of Caracalla and the spread of Roman citizenship, and an estimate of Roman Imperialism in the light of the facts presented. In the early years of the Empire the growth of the estates had been in most cases the natural complement of the spread of the town system determined largely by geographic conditions and historic circumstances. But the exemptions from municipal and provincial jurisdiction and its accompanying burdens and the increasing self-sufficiency of the great estates robbed the towns of their independent political position and sound economic basis. The rapid growth and spread of the colonate and the decline of the municipia in the third century are two interrelated movements. It is the agrarian tendencies that triumph and if the decurionate system is introduced gradually throughout the Empire it is an administrative measure pure and simple,—only another attempt to solve an old standing problem.

Recent papyrological evidence makes possible a more accurate interpretation of the Edict of Caracalla and of the actual extent of its application. Before attempting an interpretation, it may be worth while to summarize the legal aspects of the spread of the municipalities and of the great domains.

I. (a) It is obvious that the municipalization of the Empire meant nothing less than the collective grant and spread of Roman citizenship. The leveling in the status of civitates, coloniae, and municipia, on the one hand, and the disappearance, for the vast majority of Roman citizens, of their political rights, on the other, were gradually obliterating the distinctions between Roman citizens and peregrini, and making of them all subjects of the Empire. Moreover, the evolution of the decurionate system and of the curial order, as well as of a common municipal law which was mainly

concerned with the obligations and duties (*munera*) of the propertied classes, in its practical effects, involved a restriction of citizenship to these very classes, especially to the municipal aristocracy, the later curial order. Not only as liturgists but as taxpayers (and later also as tax collectors) were they of vital importance to the emperors. The third century predecessors of Majorian (cf. Nov. 7 fr.) already realized that "*curiales nervos esse rei publicae ac viscera civitatum nullus ignorat*".

(b) Together with the spread of the municipal system, i. e., the spread of Roman citizenship collectively, there had been going on during these same two centuries the gradual extension of Roman citizenship *viritim*. The Roman emperors followed no consistent policy in this respect. Augustus granted the Roman franchise sparingly; Tiberius as usual followed in his footsteps. Claudius was more liberal, the Flavian emperors still more so. With Hadrian and his successors the policy of Julius Caesar triumphed, reaching its climax under Septimius Severus and culminating in the *Constitutio Antonina*. Attention has already been called to the two most important factors in this process—to the grant of Roman citizenship for military service (at the beginning or expiration of military service) and by virtue of the Latin right. Additional ways of securing citizenship were by manumission, adoption, and by special act of the emperor. Caracalla's edict, therefore, marks the end of a long assimilative and leveling process and its recognition in and by law, and it is certainly significant that this "constitution" synchronizes with the evolution of a common type of municipality—the decurionate system—and of a common municipal law (that of the Digest, Bk. 50). As in the days after the social war in Italy so under the early Empire in the provinces Roman citizenship has a dual aspect,—local municipal citizenship, based on *origo* and *domicil*, and Roman

imperial citizenship with its rights and obligations under the Roman law.

II. (a) Over against this spread of the municipal system and the consequent extension of Roman citizenship, or, rather, proceeding synchronously with it, we have noticed the growth and spread of the great domains, especially of the state and imperial estates. Now all these domains—whether belonging originally to the public domain or to the great imperial estates, whether administered directly by imperial officials or indirectly through contractors, whether *saltus* or *fundi excepti*—are all exempt from municipal jurisdiction and most of them from the jurisdiction of the provincial governor. Though they may contain whole villages and towns these have no charter; they have not attained the “*dignitas civitatis*”. If they do attain to it, they pass out of the direct jurisdiction of the emperor. They are no longer “*saltus*” or domains, but fullfledged *civitates*. In the eyes of the Roman law, these domains are “townless.” It is the *lex saltus* that applies here; this is the field of administrative law and procedure which finds no place in the Digest.

(b) The position and status of the *coloni* does not depend on political rights; there can be no question of citizenship here. Just as the land forms a special category not subject to municipal jurisdiction and the regular Roman law, so do these *coloni* (certainly those on the public and imperial domains) form a special separate class, not in and by virtue of Roman law, but because of their economic and social position, which in this period is regulated by the administrative rules and regulations and procedure of the emperor and of the imperial officials. (Not until the time of Constantine does their condition become fixed by law.) The *coloni* of the imperial and public domains call themselves “*rustici tui vernulae et alumni saltu(u)m tuorum*” (CIL. III, 28), “*coloni domini nostri*,” etc. And just as fiscal and administrative needs bring about the elaboration of the *origo prin-*

ciple and its ruthless application in the distribution of the munera in the case of the members of the municipal corporation, so we find the same needs and the same ruthless application of the theory of *ἰδέα* (*origo*) on the domains.

(c) Directly dependent on the emperor and his agents, exempted from municipal jurisdiction and municipal munera, with no *de jure* civitates, what is the relation of these domains and of these *coloni* to the general administration and collection of taxes? This is a mooted point and cannot be definitely settled. Under the Empire there was introduced a general land and poll tax for the provinces. Now the *tributum soli* was imposed on all provincial land, except on the *agri assignati* and Roman colonies and municipia enjoying the *ius Italicum* (probably also the territories of the *civitates* enjoying *immunitas*). The poll tax was already in existence in most of the Hellenistic provinces of the Empire and the emperors probably simply accepted and continued it and introduced it into the other provinces. There is abundant papyrological evidence to show that it was in force in Egypt under the Empire. The tax was paid either directly by the *coloni* or tenants, or in their stead by the “possessor” or “conductor.”

Now for the interpretation and application of the *Constitutio Antonina* of 212 A. D.:

I. Savigny and Mommsen¹ had already argued for a limited grant of Roman citizenship under this edict, viz., to those only who were members of legally recognized communities. Mitteis appears to agree with this view.² A recently published papyrus contains a fragment of Caracalla's famous edict, which, if the reading of P. Meyer³ be accepted, established this fact beyond a doubt. Three points are to be noted

¹ Mommsen, *Staatsrecht*, III, 1, 699ff.; *Hermes*, XVI, 474ff.

² Mitteis, *Reichsrecht*, p. 158.

³ *Papyri Giessen* (Kornemann and Meyer), vol. I, Heft, 2, 1, 9f.;

ἔδωκε τοῖς σὺν ἀπασι ξένοις τοῖς κατὰ τὴν οἰκουμένην πολιτείαν
 Ῥωμαίων, [μ]ένοντος [παντὸς γένους πολιτευμ]άτων, χωρ[ῖς] τῶν [δεδ]
 εικνίων . . .

in connection with this fragment: (a) The grant of Roman citizenship is a personal one, to all peregrini and yet not to all, but to those who belong to a civitas, a legally recognized community¹—for (b) The status of the individual community is not to be affected by this grant (literary evidence corroborates this point). (c) Excluded from this grant of Roman citizenship are the dediticii. Meyer points out that for the period of the Empire we can distinguish three categories:

I. Peregrini dediticii. (Gaius, I, 14). The first class is characterized by:

1) Nonmembership in a community—"nullius certae civitatis civem esse"—Ulp. Reg. 20, 14.

2) Payment of the poll tax—"tributum capitis" (Wilcken) the real sign of subjection. (Hirschfeld, *Verwalt.*² p. 54). Meyer³ has shown that Roman citizenship was conferred by Caracalla's edict only on the privileged classes in Egypt, not on those paying or liable to the poll tax (οἱ λαογραφούμενοι i. e., the mass of the γεωργοὶ δημόσιοι (coloni) were excluded from the grant.³ Inasmuch as the poll tax was paid by all noncitizens (Hirschfeld, l. c.) and as the coloni on the domains were not members of a civitas, the peregrini dediticii probably included the great mass of the agricultural laborers and artisans of the saltus. (That there were also among them those who had already received Roman citizenship, e. g., for military service, or others who may have been Roman citizens by birth, we know from the African inscriptions and from the custom, for which Septimius Severus is responsible, of leasing the prata legionis to the soldiers. These classes were not deprived of their citizen-

¹ Cf. the grant of Roman citizenship as a result of the social war in Italy. Cic. *pro Balbo*, 8, 21: "qui populi fundi facti non essent. civitatem non haberent."

² In his *Heerwesen der Ptolemaier u. Römer in Aegypten* (136f. and 142).

³ Wilcken (in his contributions to Rostowzew's *Studien*, in Arch. f. Papyr. Beiheft I) has shown, I think quite conclusively, that homologi coloni mentioned in C. Th. 11, 24, 6 pr. and 33 are to be identified with the Egyptian λαογραφούμενοι and, as a technical expression, with the dediticii of Caracalla's edict. (This against Zulueta, *De Patrociniis Vicorum*, pp. 41-59).

ship but they were undoubtedly bound by the administrative rules and regulations enforced on these domain lands (by the saltus) and they were under the jurisdiction of the imperial procurators.).

II. The *dediticii* also included the barbarians settled within the boundaries of the Empire by the emperors.¹ As early as Augustus and Tiberius Germans had been settled on Roman soil (Suet. *Aug.* 21; *Tib.* 9). Since the time of Marcus Aurelius the settling of barbarian *dediticii* on the lands of the Empire had become almost a fixed institution and a permanent part of imperial policy (cf. *Laeti* and *Inquilini*).²

III. "qui ex lege Aelia Sentia (4 A. D.) *dediticiorum* numero sunt."³ These as well as the *Latini Iuniani* receive Roman citizenship only under Justinian.⁴

Summarizing, the Edict of Caracalla did *not* make *all* free peregrini of the Roman Empire Roman citizens. It affected only those who were members of some *civitas*, who were under the jurisdiction of the municipal authorities. It, therefore, excluded the great mass of the *λαοί, γεωργοί*, *coloni*, *laeti*, etc., on the estates (public domain, imperial estates, and the *fundi excepti*). It meant the application of Roman law and of the burdens and obligations of Roman citizenship to that part of the Empire which can be defined as an aggregate of *civitates*. But it did *not* include those vast areas of the Empire which can be defined as a complex of domains or *saltus*, where administrative law and procedure took precedence over the ordinary Roman law (as found, e. g., in the *Digest*). The domains were all exempt from the municipal

¹ Goetz, *Corp. Gloss.*, IV, 51, 10; V, 188, 14; *dediticius*, si barbarus tradat se Romanis; Ammian. Marc. 20, 8, 13; 21, 4, 8; C. Th. 7, 13, 16; CIL, XIII, 6592.

² Cf. Mommsen, *Hermes*, 24, 25ff; Schulten in *P. Wissowa*, IV, 2363; Seeck, *Untergang, d. A. W.* I, 1, 400ff, 584f. Cf. CIL, XIV, 3608; *plura quam centum mill (ia) ex numero Transdanuvianorum ad praestanda tributa transduxit*. Cf. also the inscription found at Baalbek (Mommsen, *Sitz. Ber. d. Ber. ak.* 1903, p. 817ff): Epiphanen et Callinicum regis Antiochi filios ad imp. Vespasianum cum ampla manu tributarium reduxit. On the gentiles cf. Mommsen, *Hermes*, 24, 215ff; *Neues Archiv. N. F.*, 14, 526ff.

³ Cf. Karlowa, *R., Rechtsgesch.* I, 766f.

⁴ C. I. 7, 5, 6; *Inst.*, 1, 5, 3.

territoria and the coloni—certainly those on the estates in Egypt and Asia Minor paid the poll tax, directly or indirectly. Either or both facts would exclude them from Caracalla's grant of citizenship.

But the application of the *Constitutio Antonina* was, I believe, even more restricted in its practical effects. Dio (*Ep.* 77, 9. 4ff.) tells us that fiscal needs were the motive for this extension of citizenship. Hirschfeld (*Verwaltg.*² p. 482) regards it as "die letzte Konsequenz des Regierungsprinzips seines Vaters (Septimius Severus) gleiches Recht für seine Untertanen zu schaffen, Regierung und Verwaltung im ganzen Reiche zu uniformieren." That it was a combination of fiscal and administrative needs which induced Caracalla to take this step is, to our way of thinking, an inevitable inference and conclusion. (Mitteis in his chapter (*Reichsrecht*, pp. 159–205) devoted to the *Constitutio Antonina* and its effects, shows that this edict with its revolutionary consequences above all in the field of private law and legal procedure was not part of a comprehensive plan for the administrative and legal unity of the Empire.) Of the public and private rights of Roman citizenship, how many were left in the second century of the Empire? It was the private law as it affected personal and property rights and general legal procedure which was still important and even here the leveling influences and the infiltration of Roman legal ideas had been at work for two or more centuries in obliterating many of the distinctions between Roman citizens and provincials.

From the fiscal standpoint, what must have been the effect of this edict? The *tributum soli* was imposed on all provincial soil which was not *ager assignatus* and exempt by virtue of the *ius Italicum* or by some special act. Roman citizens as well as provincials were liable. Perhaps the most profitable revenue-bearing tax, which affected Roman citizens only, was the inheritance tax, and Caracalla is known to have raised this tax from five to ten per cent. This was, how-

ever, limited in its application to property in excess of a certain amount. As effected by Caracalla's edict, the result was the extension of this death duty to the propertied classes in all the municipalities of the Empire. Now the great majority of the well-to-do in the cities were members of the decurionate order, of the municipal aristocracy. We have seen how by the time of Caracalla's edict (perhaps even as early as Septimius Severus), this decurionate order was in many parts of the Empire the sole survivor of the original orthodox municipal constitution,—how the decurionate system with the common municipal law (based on "origo" and concerned above all with the administration of the munera) had been slowly evolved in the course of two centuries. And from one standpoint the history of the next three centuries is bound up with the spread of the decurionate system throughout the Empire, as an administrative measure or rather an administrative necessity. In view of this significant synchronism of the evolution of the decurionate and of the Edict of Caracalla, and because of the subsequent spread of the decurionate system, I suspect a connection between the administrative and fiscal aspects of these important facts. And curiously enough, Paul Meyer, in examining the lists of taxpayers in the Egyptian papyri, has discovered that the privileged classes (*Heerwesen*, p. 142ff. cf. over) the ἐπικεκριμένοι and the ἀπολελυμένοι τῆς λαογραφίας received Roman citizenship; the λαογραφούμενοι (p. 141, 110ff.) remained noncitizens. A glance at the social classes included in this list of the privileged classes will show that they are all of the propertied classes (εὐποροὶ and εὐσχύμονες—or to use the adjective applied to them in the *Digest*, idonei.). They are the very ones who go to make up the decurionate order and who are liable and responsible for the honores and munera of the municipalities. A further fact in this connection is worth noting. Meyer finds (*Heerwesen*, p. 144) that the Egyptian legions (alae and cohortes) are made up exclusively of these privi-

leged classes who received Roman citizenship by the grant of Caracalla and of their descendants and that these are with few exceptions all Aurelii. The *λαογραφούμενοι*, i. e., the non-citizens, are excluded (according to the old rule in force during the early Empire).

It may be objected that Egypt is always an exception to the general rule and practice of the Empire. This exceptional position, however, disappears with the introduction of the decurionate system in 202 A. D. (or soon after). As against the very vague and general statements contained in our sources (Dio Eq. 77, 9, 4ff.; Vita Severi 1; Ulpian in *Digest* 1, 5, 17; August. de civit. dei 5, 17 and Nov. Inst. 78, 5), I am inclined to accept this evidence from the papyri, which is borne out by the entire subsequent development in the municipalities and on the domains, which distributes some of the burdens and obligations and taxes among definite social classes fixed by law and heredity, and imposes others on the land itself which also comes to have a definite hereditary character fixed by law, e. g., curial, senatorial, etc. I would incline to the view that the Edict of Caracalla was restricted in its application not only to members of civitates and municipalities (the beginning of a distinction between civitates and possessiones can already be found in the C. Theod. —a distinction which later probably ends in the Byzantine *χωρία ἐλευθερικά* and *χωρία ιδιόστατα*) but that it was further restricted, at any rate in its practical effects, to the privileged propertied classes who in the course of the third century became the hereditary curial class and the subiecti curiae. For the mass of the *λαογραφούμενοι*, *γεωργοὶ δημόσιοι*, and *coloni* were not liable to the inheritance tax, they were men without property (certainly with a very limited amount of property), they were not under the jurisdiction of any civitas or of the municipal authorities, the great majority of them were the direct subjects of the emperor (especially since *all* the *ager publicus* of the senatorial as well as of the imperial

provinces was since Septimius Severus (Hirschfeld, *Verwaltg.*² p. 142) imperial property). These facts would help to explain the silence of our sources, especially of the *Digest*, both with regard to Caracalla's edict and its effects, and especially with regard to the colonate and its universal spread in the course of the third century.

Our estimate of Roman imperialism and its ultimate success does not depend on the golden age of the Antonines. It is no condemnation of the emperors to say that ignorance of economic laws and an often well-intentioned but misguided policy of interference in centralization against tremendous odds resulted in the conditions described above. But the material prosperity of certain parts of the Empire during certain limited periods is no true criterion of the success of Roman imperialism. "Rome was the first of the great empires, and almost the only one to our own time which turned subjects into citizens and ruled them for their own good, and not for selfish gain." To the first part of this quotation cited with approval by Lord Cromer in his address, we may assent but the truth of the last half will have to be weighed and measured in the light of ultimate results and ultimate facts. Much more truly may it be said that "the peoples which Rome had dominated were dominating her, though in her own name, and the Romans, properly so-called, had ceased, by their own success in assimilation, to be an imperial people at all."

A law of the third century provides that no new buildings are to be constructed and that all income accruing to the municipalities from legacies, gifts, and benevolences are with a very few exceptions to be used in keeping in repair the old public buildings. A true symbol of imperial policy and a true picture of the Empire! With the exception of the reforms of Diocletian and Constantine, if these be an exception, there was no longer any constructive imperial policy. The Empire was on the defensive all along the line. All

energies were being expended in keeping in repair the huge imperial machine, in saving the old structure of the Empire. War, anarchy, famine, pestilence were making terrible inroads upon the population and the wealth of the Empire during the latter part of the second and especially in the third centuries. Numerous exemptions of large classes of the well-to-do, especially of the imperial aristocracy and the governing classes, were separating the governing and the governed. The gradual disorganization of imperial administration, the corruption of imperial officials, the rise of rival powers within the Empire, the decay of the municipalities and the growth of great estates—all these forces were undermining the imperial fabric. The attempt to build an Empire on the foundation of a prosperous middle class in the cities and on the land was ending in their sacrifice to the fiscal and administrative needs of the Empire. A business administration on a social basis and an unsolved agrarian question complicated by the tremendous problem of imperial defence—these are a few facts to bear in mind before forming too favorable an estimate or too severe a judgment on the success or failure of Roman imperialism.

**A CONTRIBUTION TO OLD SPANISH
LEXICOGRAPHY**

**BY
JOHN HILL**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR FRANK O. REED
1913**

A CONTRIBUTION TO OLD SPANISH LEXIOGRAPHY

JOHN HILL

That no work purely lexicographical in nature has as yet been done in Old Spanish has been repeatedly pointed out (e. g. Zauner, *Altspanisches Elementarbuch*, 1908, p. 1; Hannsen, *Grammatik*, 1910, § 1, 4; Ford, *Old Spanish Readings*, 1911, p. IX, etc.).

Therein lies the justification for the material here presented.

For information the student has had to rely upon such special word-lists or glossaries as he might find attached to the editions of various individual works that have been edited from time to time during the past forty years. Too frequently these lists have been only partially complete, and, when aiming at completeness, have been negligently compiled. (A notable recent example is the *Confesion del Amante*, edited by Birch-Hirschfeld, 1910).

The oldest Spanish dictionary dates from 1492 when Antonio de Lebrija sometimes cited as Nebrija or Nebrissensas published at Caesaraugustae (Saragossa) his *Dictionarium latinum-hispanicum et v. v.* This, of course, is no longer available, though the editions previous to 1600 were fairly numerous. Lebrija had no immediate successors in lexicographical production and it is not until 1611 that a really good work appears. At that time Sebastián de Covarrubias y Orozco, usually cited as Covarrubias simply, published his *Tesoro de La Lengua Castellana*. The work was an excellent one, but it, too, despite a second enlarged and

improved edition in 1674, has long since become unobtainable, save in very rare instances. Of course, in the author's time the language was in a large measure fixed, but he had the good sense to include many terms that were obsolete and for that reason his work has proved a boon to later workers in the field. He is now-a-days respectfully cited by investigators.

The next work of significance was the first edition of the dictionary of the Spanish Academy: *Diccionario de la lengua castellana*, compuesto por la Real Academia Española, VI tomos, folio, Madrid, 1726-1739. This is often cited as the *Diccionario de Autoridades*. The work was excellent, but incomplete, and, for the old language, of but slight aid, inasmuch as it took practically no account of the language previous to the seventeenth century. In his *History of Spanish Literature*, (Boston, 1849 et seq.) III, 219, Ticknor says: "On the whole it did them (the Academy) honor. No doubt, it shows, in several parts a want of mature consideration and good judgment. Many words were omitted, that should have been inserted; many were inserted, which were afterwards stricken out; and many were given on unsatisfactory authorities. But its definitions are generally good; its etymologies—though this part of the work was little regarded by its authors—are respectable; and its citations are ample and pertinent. In fact all that had been done for the language, in the way of dictionaries, since its origin, was not equal to what was now done in this single work.

"But the Academicians were not slow to perceive that a dictionary so large could exercise little popular influence. They began, therefore, soon afterwards, to prepare an abridgment, in a single folio volume, for more general use, and published the first edition of it in 1780."

The present Academy Dictionary is the direct descendant of this, of which Hanssen, l. c., aptly remarks "die späteren auflagen desselben wörterbuchs

sind verkürzte bearbeitungen." The last edition is the thirteenth, Madrid, 1899. In its present state, the *Diccionario de la Lengua Castellana*, por la Real Academia Española, is of slight use to the worker in the language previous to the sixteenth century. Inasmuch, however, as it is held to be the standard work of the language, it has been taken as the point of departure for the work here presented. Primarily, any work not listed therein has been included in this list. Also if a word is found in the Academy Dictionary, but not in the meaning sought, it has been listed.

In the field of Old Spanish lexicography strictly limited, little remains to be said. The first work, aside from those of Librija and of Covarrubias already mentioned, worthy of notice is the glossary appended to volume 57 of the *Biblioteca de Autores Españoles*. It is the work of D. Florencio Janer and was originally published in 1865. The volume contains a collection of poetry previous to the fifteenth century. Janer's glossaries to each poem or author are not complete and are frequently erroneous. But such as it is, it was a step forward and is still to be consulted for information and suggestions not readily accessible elsewhere. Of late years the most considerable single work is that of D. Rufino Lanchetas, *Gramática y Vocabulario de las Obras de Gonzalo de Berceo*, Madrid, 1900, wherein the author gives a complete lexicon to the work of the thirteenth century poet. Aside from these, as previously remarked, the student is compelled to consult the lists and glossaries attached to the various special editions. Among these the best and most recent are Menéndez Pidal's *glosario* to the *Poema del Cid* (1911), Marden's *Fernan Gonzalez* (1904), Fitz-Gerald's *Berceo's Santo Domingo de Silos* (1904). Especially worthy of mention is the vocabulary which Ford has made for his selection of *Old Spanish Readings*, 1911.

The work done by Diez, *Etymologisches Wörterbuch der romanischen Sprachen*, 5th ed., Bonn, 1887, and by Körting, *Lateinisch-Romanisches Wörterbuch*, 3rd ed., Paderborn, 1907, is to be consulted at all times, especially for the Latin element. The same field, only more extensively, is treated in the *Romanisches etymologisches Wörterbuch* by W. Meyer-Lübke, which is in course of publication.

For the Arabic element, in the old as well as modern speech Dozy et Englemann, *Glossaire des mots espagnols et portugais dérivés de l'arabe*, 2d ed., Leyde, 1869, and Eguilaz y Yanguas, *Glosario Etimológico de las Palabras Españolas de Origen Oriental*, Granada, 1886, are to be consulted.

Special discussions are to be found scattered throughout Romania, *Bulletin Hispanique*, *Revue Hispanique*, and *Zeitschrift für romanische Literatur*.

A few words as to the work itself. As the title indicates it is a contribution merely, aiming at nothing more. A work in large measure complete would require not only the investigation of documents not here accessible but also the life-time of the compiler.

In his recently published *Spanische Grammatik* Hanssen sets down the accession of the Catholic kings as the dividing line between the old and modern language. For the words here listed only works prior to the 16th century have been consulted. Not all the works of that period are available, but, of those drawn upon, in every instance the best and most authentic edition at hand has been used and citations are made accordingly.

It has not always been possible to determine the signification of a word. Such indeterminata, however, are not numerous when compared to the whole; they are listed for the sake of completeness. Also some words of doubtful meaning, yet given on good authority, are included; they are preceded by an interrogation point.

Words that are patently misspellings have not been listed. The interchange of various vowels and consonants is extremely common, often due merely to dialectical peculiarities. Among these, to mention some of the most common, are: b and v, pl and ll, t and d final, m and n, g and j, l and ll, h omitted or inserted, r and l, s and c, s and x, x and j, e and a, e and i, o and u, o and ue.

Obviously to have included such words as show only these variations from the modern spelling would have swollen the work unnecessarily and would have rendered it largely a tabulation of and exercise in Old Spanish orthography.

ABBREVIATIONS

- Al. Libro de Alixandre, ed. Janer, Bib. 57.
 Al* Libro de Alixandre, ed. Mord-Fatio, 1906.
 A. O. Poema de Alfonso Onceno, ed. Janer, Bib. 57.
 Bib. Biblioteca de Autores Españoles.
 C. A. Confision del Amante, ed. Birsch-Hirschfeld, 1910.
 C. D. La Estoria de los Cuatros Doctores de la Sancta
 Eglesia, ed. Lauschert, 1897.
 Cid. Poema del Cid. ed. Menéndez Pidal, 1901.
 C. L. Manuel, Libro de los Enxemplos del Conde Lu-
 canor y de Patronio, ed. Knust-Birsch-Hirsch-
 feld, 1900.
 Cor. Martinez de Toledo, El Corbacho. (Extracts in
 Lemcke, Handbuch der spanischen Literatur,
 1855-56.)
 C. U. La Gran Conquista de Ultramar. Bib. 44. 1864.
 D. M. Danza de la Muerte, ed. Janer, Bib. 57.
 Duelo. Berceo, El Duelo que fizo la Virgen Maria, ed.
 Janer, Bib. 57.
 F. G. Poema de Fernan Gonçalez, ed. Marden, 1904.
 Gow. Gower, Confessio Amantis, ed. Macauley, 1899.

- J. Poema de José, ed. Janer, Bib. 57.
- L. C. Manuel, Libro de la Caza, ed. Baist, 1885.
- L. J. M. La Leyenda del Abad Juan de Montemayor, ed. Menéndez Pidal, 1903.
- Loor. Berceo, Loores de Nuestra Señora, ed. Janer, Bib. 57.
- Mil. Berceo, Milagros de Nuestra Señora, ed. Janer, Bib. 57.
- N. B. Nueva Biblioteca de Autores Españoles, 1905 ff.
- R. Juan Ruiz, Libro de buen amor, ed. Ducamin, 1901.
- R. A. Razon de Amor, ed. Menéndez Pidal, Revue Hispanique, XIII, 608-618, 1905.
- R. H. Revelación de un Hermitaño, ed. Janer, Bib. 57.
- R. O. Libro de los Reyes de Oriente, ed. Janer, Bib. 57.
- R. P. Lopez de Ayala, Rimado de Palacio, ed. Janer, Bib. 57.
- Sac. Berceo, Del. Sacrificio de la Missa, ed. Janer, Bib. 57.
- S. D. Vida de Santo Domingo de Silos, ed. Fitz-Gerald, 1904.
- Sig. Berceo, De los Signos que aparesceran ante del Juicio, ed. Janer, Bib. 57.
- S. I. Vida de San Ildefonso, ed. Janer, Bib. 57.
- S. Lor. Berceo, Martirio de San Lorenzo, ed. Janer, Bib. 57.
- S. M. E. Vida de Santa Maria Egipciaqua, ed. Janer, Bib. 57.
- S. Or. Berceo, Vida de Sancta Oria, ed. Janer, Bib. 57.
- S. P. Las Siete Partidas de Alfonso el Sabio, 3 vols., 1807.
- S. S. Das Hohelied in Castillanischer Sprache des XII Jahr h'dts, ed. Cornu, Halle, 1902.
- S. T. Proverbios Morales del Rabi Sem Tob., ed. Janer, Bib. 57.
- Tract. Tractado de la Doctrina, idem.

	A.
abaldonadamiento,	in vain, to no purpose. C. U. p. 578a.
abaldonamiento,	uselessness, vainness, loss, destruction, C. U. 468b.
aballar,	to overthrow, knock down; to lead, guide; to move with difficulty. R. 1010d.
abanero,-ra,	soaring, lofty. C. L. C. 27, 19.
?abantponer,	to set forth; to place before, to bring forward. C. D. Pass.
abarrido, a,	carried off, plundered, pillaged, robbed. Mil. 875.
abasar, (abassar, abaxar),	to lower, to bend, incline. Mil. 655. Duelo, 151.
abatis,	genitive of Abas, a doctor of the 9th century. R. 1335b.
abbat,	abbot, superior in monastery. Mil. 77, 191. Sac. 161.
abbatissa,	Mother-superior, abadesa. Mil. 505, 506.
abçe (auçe),	augury, fortune, fate, lot; omen. Sig. 26; Mil. 778. Al* 557a.
abdabamia,	abdarramia, q. v.
abdarramia (abdarmia),	a species of large water-birds used in falconery. L. C. 76, 27.
abeitar,	to deceive, mislead. R. 232b.
abeite, (R. 406b)	

abenicio,	ab inicio, from the beginning. Tract. 10 d.
abestrus,	ostrich. C. A. 57.
abeter,	to deceive, mislead. cf. abeitar. Al*368b.
abez (abes, aves, vez),	Lat. ad vix, scarcely, hardly with difficulty. Pass.
abiltamiento,	villification, debasement. C. A. 481.
abiltar,	to vilify, debase. C. A. 254.
abondar,	to provide, to supply. S. P. p. 61, trs. of "he will give them rest."
aborrir,	to object, oppose, remonstrate. Al*194c.
abravar,	to irritate, vex, provoke, enrage. C. U. p. 341.
abrego,	south-wind. S. S. IV. 16.
absincio,	worm-wood. Duelo. 45.
absolvido,	absolved, forgiven, freed. Mil. 401.
abteza,	highness; excellence, virtue; Ap. 443a. Loor. 191.
aburrir,	R114b
abyssso,	abyss, gulf, deep sea. S. D. 24.
acabança,	completion, perfection, end, accomplishment, consummation. C. D. 182, 1, 11.
acabescer,	to complete; to succeed, attain unto.
acalañar,	to prohibit, forbid, check. R. 1705c.

acallamiento,	mitigation, alleviation, moderation. C. A. 388.
acarrear,	to confront, to bring face to face; to conform, to a- gree. C. A. 74.
acebto, a,	acceptable, agreeable. C. A. 88.
acechanza,	lying in ambush, way-lay- ing. C. A. 140.
acechar,	to aim, to point, to level. Al*168b.
acedoso, a,	sharp, bitter, sour; fig. un- happy. Mil. 84.
acenia, achacar	aceña, water-mill. R. 241a.
açidente,	R. 616a. accident, chance, hazard; casualty; mistake, error R. P. 191c. 356b.
acienso,	incense, perfume. S. S. III, 6. IV, 11.
aciente, adv.,	knowingly, intentionally. Prov. escient. R. P. 1287b
acogía,	acceptance; credence, trust. Mil. 272.
açor,	azor, goshawk. C. A. 207, 347.
acordar,	to arrange, put in order, to adjust. C. U. p. 418a.
acorvar,	to curve, bend; to arch, in- cline. S. S. II, 17. III, 16.
acostado, a,	thrown, cast; prostrate, re- costado. Mil. 12.
acto, a,	drawn up, arranged, placed in order. Pass.

acucia,	sharpness, acuteness. S. P. p. 94; S. T. 239a. R. P. 145c. A. 47b.
acustarse,	to draw near a person or thing, to approach the side of. C. U. p. 136a. 556b. Al*, pass.
adabre,	Ap. 63c.
adalil,	chief, chieftain, commander leader. adalid. Al*602a.
adalzar,	to gather up, put away; to save, protect. J. 160d.
adama	R. 1355b.
aðamar,	zeal in love; expression of love. R. 915b.
adebdar,	to owe, be indebted. Sac. 103; Mil. 656.
adelantadia,	cargo de adelantado; "el conviene que aya la adelantadia." Mil. 712.
adelinar,	to go in a direct line; to arrive at. R. 392b. Cid. 31.
adesora,	á deshora, untimely, inopportunately; C. L. 27, 25.
adesusso,	above, on top of, on the surface of. Loor. 151.
adevino,	omen, divination, augury. R. 774d.
adiablado, a,	possessed with devils. Mil. 260.
adobes,	shackles, fetters. C. U. p. 292b.
adobo,	armor, equipment. Al*89a, 92a, et pass.

adormitar,	to sleep, to be half asleep; to go to sleep. S. M. 10.
adragea,	sugared almond; small bon-bon. gragea. R.1336a.
adrimar,	to rhyme, join, combine, put together. S. M. 210.
adrunar,	to guess, devine, conjecture. "adruna, Christo, qui te dió la colpada." Duelo, 42.
aducimiento,	duct, canal, passage, channel. C. D. 340, 7.
aducho,	something brought, pp. of aducir used as subst. R. 1511c.
adunado, a,	foreigner, immigrant, one newly come. S. Lor. 24.
aduzir,	to bring; carry; lead. Cid. 144, 147, 168, etc.
aer,	aire, air, atmosphere. S. M. 439.
aficionado, da,	fashioned, wrought, made. C. U. p. 179.
afalagar,	to fondle, caress, wheedle, flatter. C. A. 94.
afalago,	wheedling; petting, fondling. C. A. 404.
afalladura,	harm, injury, grief; waste, destruction. J. 130b.
afectado, a,	shaved, scraped, with hair trimmed. Duelo, 59.
afer (afar, affer),	business, affair, matter. Passim. Al*420a. S. M. E. p. 312a. J. 56a. 207a, 209c.

afincado, a,	persistent, constant, laborious. C. D. 418, 14.
afirmes, adv.,	firmly, strongly, persistently. S. D. 166. Al*202c. Duelo, 199.
afita, adv.,	completely, entirely. S. M. 378d.
affliction,	afflicción. Mil. 56.
afformado, a,	formed, fashioned, made. Sac. 165.
afollado, a,	taken away, stolen, removed; overcome, defeated, put to shame. S. M. 274. Al*583c et seq.
afonta,	dishonor, disgrace, insult, shame. Pass.
afontar,	to disgrace, dishonor, insult. S. D. 651. Mil. 383.
aforçar,	to strengthen, encourage, animate: v. n. to be strong, to grow strong. Al*540c, 549c; 588d; 674c. et pass.
afruante,	contest, battle, struggle. C. U. p. 76.
afruenta,	R. 249a. 1648c. S. T. 8a.
afruento,	distress, trouble, care; anguish, torture. S. D. 411.
agabar,	to boast, brag, vaunt. Al* 131d.
agastonar,	to set, place; to enchase. J. 58d.
agrimar,	Al. 161c.
agrión,	water-cress. C. U. p. 560a.
aguado, a,	sharp, acute, high-pitched. C. A. 374.

aguar,	(of falcons), to drive or force, to go under water. L. C. 28, 29. 29, 2. 27, 9.
agudencia,	sharpness, keenness, intellect, talent, genius. Mil. 225.
aguiar,	to prick, sting, spur, goad. S. D. 222.
aguisonada,	prick, spur, goad. Sig. 44.
agutarda,	bustard. L. C. 75, 29.
aguyon,	sting, prick, spur. C. A. 7, 473.
ahenencia,	compact, agreement. C. A. 17.
ahorar,	to adore, worship. C. U. p. 564a.
ahuela,	abuela, grandmother. C. A. 40.
aina (ayna),	quickly, soon, at once. Passim.
airar,	to feel anger towards, to be angered at. R. 908c.
aito, a,	A. O. 945c.
aiullar,	to scream, cry, wail, Duelo 20.
aiumado, a,	? casado, a married man; an elderly man. Mil. 409. "Do quier que se uintaban mancebos e casados, Deso fablaban todos, mozos e <i>aiunados</i> ."
al, pron.,	other, else, something else, some other thing. Passim.
ala,	Allah. Le Ala, "No, by Allah!" R. 1510d.

alabable,	praiseworthy, laudable. C. D. 180, 22.
alabaça,	sorrel, an edible plant having a sour juice. C. A. 392.
alaçones,	cimbalos ó castañuelas de metal (R.M.P.) L. J. M. 33, 6.
alanes,	perros alanos, large hunting dogs. Duelo, 39.
alardo,	alarde, review of troops. C. U.
albanero, a,	soaring, said of a certain species of falcon. L. C. 4, 22.
albañil, (pl. albañiles),	mason. C. U. p. 215b.
albarrana,	an outer tower. "había ahí torres albarranas, que salían fuera del muro." C. U. p. 237a.
albergada,	camp, army station. C. U. p. 563b.
alborozamiento,	disorder, confusion, tumult.
albuebola (abb-),	praise, laudation. R. 898a.
albuhera,	lagoon, pond. C. U. p. 313b.
alcandra,	perch, alcándra. C. U. p. 58a.
alcaravan (alcaran),	any one of the gallae, or wading birds, such as sand-piper, lap-wing, plover. L. C. 72, 29. 73, 1. 85, 11, etc., s. p. 108.
alcarra,	A. O. 1706a.
alcohol, ms.,	? jewel, precious stone. J. 64a.

alechigar,	to go to bed; to recline, lie down; to calm, pacify. S.M. 132. S.D. 492.
alfaye,	pilgrim; one who has visited Mecca. C. U. p. 293b.
alfajeme,	barber; surgeon. R. 1416a.
alfaja,	wooden bowl or dish. Bib. 51, p. 140a. R.?
alfaxor,	drink made from aromatic herbs. C. A. 340.
alferse,	standard-bearer. A. O. 32c, 34a, 713d.
algarear,	to plunder, pillage, to make incursions. C. U.
algarear,	to cry out, shout, exclaim. R. 562d.
algarivo, a, (algerivo, algarvio),	sad, grieved, afflicted; iniquitous, unjust. R. P. 972d. 1034d. A. O. 1858b. F. G. 268a.
algasareador,	skirmisher. Al*79c. (akin to algarazara)
algo,	property, estate, wealth; booty, plunder. Pass.
alhemis,	a kind of precious wood. C. U. p. 220b.
aliaba (aljaba),	falcon food. L. C. 15, 1, 2, 3.
aliama (alfama),	synagogue, Jewish temple. Duelo, 166, 178.
allinar,	to measure, estimate, calculate; to put in line, arrange. S.M. 227. Loor. 206. S. Dom. 354.

allongarse,	to remove, separate; to be at a distance. C. U. {485a 500a
allugado,	employee, one hired out. L. locatus. Al*72c.
allumnar,	to illuminate, make light. San Lor. 60.49. Loor. 156. S. M. 331.
almagesta,	almagesto, treatise on as- tronomy. C. A. 383.
almajar,	a kind of cloth. R. 915c. Bib. 51, p. 145b. and cf. glossary.
almarcha,	marsh, swamp. L. C. 77.29.
almatica,	a kind of tunic. D. M. 65e. S. D. 681. 232.
almatraque,	mattress, cushion. Ap. 307b.
almenara,	bonfire, beacon-fire. C. U. 270b.
almesia, (-xia),	clothes, garments. L. J. M. 8, 3, 30, 27. S. D. 689. Mil. 448.
almigar,	small stream, branch. C. U. p. 163b.
almiral,	general, chief. C. U. 362a. 408.
almogabar,	scout, fore-runner. C. U. p. 411a.
almofar,	a soldier of a body chosen to make forays into the enemy's territory. F. G. 384a.
almorjal,	marsh, swamp, L. C. {75, 12 76, 21
almueza,	R. 1275b.

alquer,	fanega, measure for grain. C. A. 254.
alquifa,	Caliph. C. U. p. 218b. 245b.
altematria,	arithmetic. C. A. 393.
altibajo,	musical term. R.
alugado,	allugado, g. v.
alvillo, (alb-)	white grapes, wine thereof. R. 718b.
alzar,	to store up, put away, hide; choose, construct, guide. to steal away, absent one- self, to flee. S. Lor. 4. Ap. 193c. Al* pass.
alzado, a,	hidden, secreted, put away. S. D. 177. Sac. 111. Mil. 132.
amadero, ra,	lovable, amiable, worthy of being loved. C. D. 270.
amança,	love, affection. S. M. E. p. 311a.
ambisa,	knowledge, wisdom, learn- ing. S. M. 9.
amena,	armory; bulwark, defense. S. S. IV. 4. VIII, 9.
amidos,	unwillingly, against one's inclination, in spite of one's self. Pass.
amientre,	meanwhile, meantime. Ap. 348a.
amiganza,	friendship. R. 695d.
amonestat,	advice, counsel, opinion, recommendation. S. I. p. 324a.

amortido, a,	fainting, half-dead, dead. Mil. 621, 750. Al* 693, 699.
amugronador,	planter, one who puts out 'mugrones.' R. 1281b.
amxi,	Arab. exclamation: out, out with you, get out! R. 1512d. A. O. 1706d. D. Q. I, 41.
anabulla,	spurge, wolf's milk. C. A. 391.
anaciado,	—e otros habia que dician- que pregonasen por toda la hueste que cualquier que supiese que algun <i>an-</i> <i>aciado</i> andaba hi ó otro hombre encubierto— C. U. p. 216b.
anarte,	A. O. 2013a.
andante,	compounded with bien and mal. bien andante, prosperous, fortunate, happy. mal andante, unfortun- ate, unhappy, ill-fated.
aniel,	enamel on silver or gold. C. U. p. 255a.
annado, a,	alnado, step child. C. U. p. 565b.
annazaha,	place of rest and recreation. C. U. p. 501b.
anneio, a,	of one year, a year old. S. M. 214.
annel,	lamb, young sheep. Sac. 149.

amphorisma,	aphorism. Bib. 51, p. 240b.
ante,	sooner, more quickly. Al* 299b.
antnado,	s. annado.
antepasar,	?to implore, supplicate, ap- peal to. Lit. to go before. R. 523b.
antipara,	R. 1323a.
anviso, a,	wise, prudent, discreet. Mil. 14.
aontar,	to shame, dishonor. Pass. Al.* 103d. Ap. 115c.
apagar,	“Don vino que y-ganades “en villanias que digades “Pero si vos en apagardes “Digamos vos las verda- des. R. A., 194. M-F apagades—lección dudosa.
aparajamiento,	adornment, decoration, e- quipment. C. D. 83, 21.
aparte de, prep.,	to, towards, in the direction of. Al*272b.
aplasar,	to summons for a time and place agreed upon. C. A. III.
apodo	R. 931a; 1534c.
apoplexa,	apoplexy. C. U. p. 404b.
apoquatar,	to diminish, lessen, reduce. C. A.
apoquentado, a,	decreased, diminished, re- duced. C. A. 403.
aportellado, ms.,	client, dependent. C. U. 482.
apos, prep.,	after, next, following.

apostiello, a,	decent, fitting, proper. Mil. 874.
apostoladgo, ms.,	apostleship. C. D. 65, 25. 293, 4.
apreciar,	to adjudge, award. Al* 352a.
aprenderse,	to light, kindle, catch fire. C. U. p. 238b.
apres,	near, near by, close at hand. Fr. auprès. Al.312.
apres de,	after. Fr. après. Al.418.
apreso,	compounds with bien and mal. bien apresado, feliz mal apresado, infeliz Pass. e.g. R. 571c.
apuntar,	to come out, appear: said of sword passing thru the body. C. U. p. 141b.
aquedado, a,	quiet, calm, restful, rested. S. D. 377. Sac. 25.
aquelli, pron.,	aque!, that one, he. S. Or. 85.
aqui,	de aqui, a, up to, as far as, until. Al*387d, 389c, 520b et pass.
aradro, ms.,	plough, C. A. 243, 249, 275.
aranbre,	copper, bronze. C. A. 10, 11, 12, 34.
arbolado, a,	poisoned. R. 597a.
arca,	thorax, upper body of body. arca siniestra, la tetiella izquierda. C. U. p. 75b.
arciagnado,	archdeaconship. S. Lor. 4.

arciagno,	archdeacon.
arco de las viejas,	rainbow. C. A. 237.
archa,	case, coffer, sepulchre. Cid. 85. Sac. 14.
ardurado, a,	troubled, vexed, tortured, worried. Sac. 272.
arecho, a,	upright, erect. Al*485b. J. 76c.
aremancia,	necromancy, black art, con- juration. C. A. 354.
aremembrar,	to remember, recall. Bib. 51, p. 216a.
arez,	alerce, larch tree. C. U. p. 174a.
argudarse,	to hurry, hasten, rush. Mil. 881.
argudo, a,	quick, active, impetuous, bold, brave. Al*128c. 861a.
arigote,	?enticeiment, allurement. R. 1477a.
arlotia,	baseness, wickedness, evil. S. M. 20.
armella, fs.,	door knocker; ring. Ap. 580b.
arramar,	to pour out; to scatter, waste; to publish. Al. 59b, 132b.
arrascannar,	rascannar, q.v.
arrecho, a,	s. arecho. J.76c.
arredar	R.103b.
arredrarse,	to withdraw, recede, go backwards, C. U. p.48a, et pass.

a(r)refen, ms.,	hostage. C. U. p. 443b. 479a.
arrepantajo,	R. 705c.
arrepentencia, fs.,	repentance, contriteness. S. T. 607c.
arrequijamiento, ms.,	withdrawal; refuge, retreat. C. U. p. 478b.
arrezar,	to strengthen. C. D. 294, 9.
artificerio	artist, artificer, contriver, author, maker. C. D. 152, 2. 198, 15.
artificiero } ms.,	
asanchar,	A. O. 1930a.
ascondir,	to hide, secrete. R. 588b.
asconeta, fs.,	small javelin or dart. A. O. 68c.
ascension, fs.,	the name of a fever. C. U. p. 500a.
asfito, adv.,	to the mark, surely, certain- ly, accurately. C. U. p. 458a.
asmable, adj.,	estimable, valuable, com- putable. C. D. 392, 7. 399, 8.
asmança, fs.,	valuation, assessment, val- ue. C. D. 315, 20. 339, 12. 410, 14.
asmar,	to estimate, judge; appre- ciate, esteem. R. 806a et pass. C. A. 256. 259.
asmuadero, a,	conceivable, that can be conceived or imagined. S. M. 306.
asonada, fs.,	rising, taking of arms. C. U. p. 579a.

asonado, a,	up, risen, standing in arms. C. U. p. 59a. 413b.
asperar,	to await, expect. C. L. p. 23, 17.
asperiello, a,	difficult, rough, harsh, rude. Mil. 434.
aspredumbre,	roughness, sharpness, bit- terness, acerbity, S. P.
assechar,	to look at fixedly, to at- tend, wait for, regard at- tentively. R. 1270 d. Du- elo, 181.
assecho, ms.,	en assecho, watching, wait- ing for; on the watch for. Loor. 45.
assiesto, ms.,	position, situation, location. S. M. 313.
astrado, a,	s. v. malastrado.
astragar,	to desolate, lay waste, de- stroy. R. 207c. Mil. 326.
astrogia, fs.,	astrology. C. A. 392.
astrosia, fs.,	misfortune, calamity, dis- aster. Ap. 445b. S. T. 229b.
astrugo,	s. v. malastrugo.
ata, hata,	s. v. fasta.
atahona, fs.,	mill, flouring-mill. R. 700a. 938d.
atahonar,	to bind, clasp, fasten. S. P. I, 224.
atajar,	to settle, conclude, arrange. Al*456d.
atal, adv.	in same manner, likewise, exactly so. R. 1487d. S. P. I, 15.

atalayar,	R. 393b.
atamaño, a,	so great, so large, of such size. Al*239d.
atan, adv.	tan. Pass.
atanbor, ms.,	drum, tambor. R. 894c.
atanto, a,	tanto. Pass.
atarmus,	lupine, a plant. C. A. 493.
atasmia, fs.,	a tithe of grain exacted by threshers. R. P. 247d.
atender,	to await, expect. R. 1523d.
atenedor, ms.,	friend, companion, attendant. Loor. 230. Mil. 197.
atentico, a,	authentic, genuine, real. C. A. 502.
atestimoniar,	(1) to beseech, supplicate, implore. C. D. 103, 17. III, 22.
	(2) to call to witness. C. D. 156, 10, 11. L. testari.
atomido, a,	benumbed, stiff, paralyzed. C. U. p. 529a.
atorisado, a,	authorized; respectable, commendable. C. A. 408.
atortear,	to wrong, injure, mistreat. J. 122b.
atravesadizo, a,	removed, separated. grua atravesadiza, crane that has flown ahead in the distance. L. C. 42, 28. 44, 28. 45, 9.
atraspasar,	to put off, delay, postpone. R. 550d.
aturadamiente, adv.,	continually, unceasingly. C. U. p. 439a.

auçe, s.abce,	fate, omen, augury. Mil. 778.
auna, adv.,	a una, together, jointly; at same time. Pass.
auorero, ms.,	augurer, diviner, forecaster. S. D. 701.
autoricia, fs.,	authority; reputation, respect, reverence, dignity. S. M. 311.
auzado, a,	io, bien-féliz, of good omen, auspicious, lucky, fortunate. Loor, 137.
avancuerda, fs.,	pimp, pander, bawd, go-between. R. 446d. cf. avanguardia.
avantaja, fs.,	ventaja, advantage. Al* 347c. 684d.
avecasta, fs.,	duck; a kind of grey duck. cf. Nuñez, avucasta espèce de canard gris. L.C. 77, 29.
aveniment, ms.,	event, happening, affair, adventure. Mil. 1.
aventadero, ms.,	fan. Mil. 321.
aventurado, a,	lucky, fortunate, happy, prosperous. S.D. 45.
aversado, a,	hostile, unfriendly; wicked, perverse. Al(o)153a.
avimado, a,	upright, erect, straight, perpendicular. Mil. 39.
avol, ms.,	robber, thief. S.M. 243.
avoleza, fs.,	meanness, baseness. R. 814d et pass. C. U. 584a.
ax, ms.,	eje, axle. S. Lor. 24.
axabeba, fs.,	Moorish flute. R. 1233a.

axarope, ms.,
axixen, ms.,

ay, adv.,

ay, adv.,
ayr, ms.,
azacan, ms.,

azcut, Arab.,

aze-,
azoraba, fs.,
azotada, fs.,

syrup. C.D. 371, 28.

asesino (lit. a hashish eater,
A r. hashashin, pl. hash-
ash, hemp). assassin. C.
U. 527a, b.

allí, there, in that place.
Pass.

y = Fr. y. See also hi, y.
s. aer. S.M. 383.

water-carrier; water jug or
jar. C. U. p. 329b. 326.

all right, well, expression of
assent. R. 1511c.

see dictionary under ace-
giraffe. C. U. p. 4, b.

blow with whip, lashing.
Duelo, 24.

**BRITISH POLICY AND THE TREATY OF BERLIN,
1878-1887**

**BY
BERNADOTTE EVERLY SCHMITT**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR ALFRED L. P. DENNIS
1910**

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BERNADOTTE EVERLY SCHMITT

The study in diplomatic history, of which an abstract is here presented, was written primarily from the *Parliamentary Papers* issued by the British Foreign Office. It is needless to comment upon them: Lord Salisbury once said that the Continental chanceries frequently addressed despatches to the British Government only on the condition that they should not be published in the *Blue Books* or *White Papers*. Nevertheless the published despatches are very voluminous, and contain a vast store of information that is not otherwise accessible. The French *Livres Jaunes* were also consulted. Though much more summary than the British publications, they are sometimes less discreet. The *Debates* of the British Parliament often supplemented the official accounts. But to get behind the scenes at all, one must turn to the press, both daily and critical, and to the memoirs and recollections of statesmen. The London *Times* is indispensable. The *Annual Register* frequently summarizes a large quantity of newspaper and official material, and always preserves a perspective which the mass of diplomatic correspondence may very easily obscure. In the bibliography annexed to the thesis itself, an effort has been made to list all the periodical literature of any value dealing with the question of the Near East for the period under review.

An active British interest in the affairs of Turkey may be said to date from the latter part of the eighteenth century, that is to say when the East India Company began to acquire

political influence as well as economic control in the peninsula of Hindustan. To secure the route to that distant possession, it became axiomatic that the possession of Constantinople must not pass into the hands of a great power, and that the Ottoman Empire must be kept sufficiently strong to resist any and all aggression. The threatening power was sometimes France, but more frequently British diplomacy had to meet the intrigues and check the ambition of Russia.

The first positive indication of British policy was given in 1791 when Pitt proposed to send an expedition to the Baltic to distract Russian attention from Ochakov on the Black Sea. On that occasion, as on many others during the nineteenth century, liberal opinion in England, led by Fox and Burke, manifested the greatest hostility to the miserable government of Turkey, and refused to believe that the Russian designs were subversive of British interests; so that in the end Pitt had to give up his scheme, although it had been approved by Parliament. During the wars of the French Revolution and the Napoleonic period, Great Britain was concerned with preventing the ascendancy of France in the councils of the Sublime Porte. So also in the later stages of Mehemet Ali's rebellion (1839-1841), Lord Palmerston vigorously and successfully opposed the plans of France to install the Egyptian rebel in Constantinople. But the Greek war of independence clearly revealed Russia's designs upon the principalities of Wallachia and Moldavia, and the first advance of Mehemet Ali upon Constantinople (1832-1833) gave Tsar Nicholas I the chance to force upon the Sultan the treaty of Unkiar Skelessi, by which Turkey became the vassal of Russia and opened the Bosphorus and the Dardanelles to Russian men-of-war. In each case British diplomacy upset the Russian plans; with the result that the two countries became mutually suspicious, in spite of an honest attempt by Nicholas, in a famous *Memorandum* of 1844, to arrange a common policy. This hostility was made perma-

nent by the Crimean War, and largely determined the course of events in the Near East for the next fifty years.

The twenty years immediately following the Crimean War were perhaps the most important in the history of the Eastern Question. In the Treaty of Paris Great Britain compelled Russia to renounce the right to maintain warships in the Black Sea; consequently, in 1870, Russia gave Bismarck a free hand to make war on France, and then with the connivance of the Prussian statesman, repudiated the restriction. Had Russia and Great Britain been in agreement as regards Near Eastern affairs, they might well have prevented the dismemberment of France recorded in the Treaty of Frankfurt. Another provision of the Treaty of Paris required the Sultan to carry out sweeping reforms in his government which would protect the persons and liberties of his Christian subjects. Only such reforms would enable Turkey to resist a Russian advance; nevertheless Great Britain made little effort to secure them from the reluctant Sultan, and in 1875 rebellions broke out in several parts of his European dominions. Russian intrigue was doubtless not unconnected with the risings, but British indifference must assume some share of the responsibility. The modern Eastern Question opens with the insurrections of 1875 and the events culminating in the Treaty of Berlin.

From the very beginning of this crisis British policy, under the direction of Benjamin Disraeli, later Lord Beaconsfield, lent support to Turkey, and prevented the three Eastern Empires, in alliance from 1872, from solving the problem by diplomacy. Russia finally appealed to the sword, but Great Britain left the Sultan to his fate, and the Treaty of San Stefano was the result. Had that treaty, almost expelling the Turk from Europe as it did, much future misery for the Balkans and for Europe might have been avoided. But the British Foreign Office, over which Lord Salisbury presided, inaugurated a campaign of sentiment mingled with threats

which persuaded Russia to go to the Congress of Berlin. The treaty signed there (13 July 1878) revised the earlier instrument: the disjointed dominions of the Sultan were now pieced together, and, as was thought, provided with defensible military frontiers. But the Berlin Treaty was after all the exemplification of the policy of expulsion bag and baggage advocated by Mr. Gladstone. For Roumania, Serbia, and Montenegro achieved their independence, and Bulgaria, and in a less degree, the so-called province of Eastern Rumelia, were practically removed from the control of the Sultan. Great Britain and Austria received or rather took Cyprus and Bosnia-Herzegovina respectively, Russia kept part of her conquests in Armenia. The Sultan was to be further punished by a reform of his government which all the powers pledged themselves to oversee.

The international situation resulting from the Congress of Berlin naturally determined the execution of the Treaty. The enmity of Great Britain and Russia was of course increased manifold, and the latter power made every effort to thwart the carrying out of those provisions of the Treaty upon which the British Foreign Office had insisted, France was irritated by the Cyprus Convention, in spite of Lord Salisbury's promise that Great Britain would raise no objection to a French occupation of Tunis, and her diplomacy was at cross-purposes with that of Britain for many years. Austria, now the predominant Balkan Power and desiring the preservation of Turkey, temporarily at least, refused her support to any policy which might damage her interests at Constantinople. Bismarck, intent on maintaining his ascendancy in Europe and the maker of the Austro-German alliance of 1879, supported his ally. Italy, though friendly to Great Britain, was too weak to be of material service. Great Britain thus stood isolated in Europe even if she did not have pressing problems to solve in South Africa, in Egypt, and in Afghanistan. Moreover, thanks to the Cyprus Convention

and her sanction of the occupation of Bosnia-Herzegovina—it was Lord Salisbury who proposed this at Berlin—her influence at Constantinople rapidly declined, despite the very Turcophil propensities of the ambassador, Sir Henry Layard, who was personally much liked by Sultan Abdul Hamid II.

To enforce the Berlin Treaty in all its details proved impossible in the face of such obstacles. In Bulgaria the Russians disregarded its provisions in many respects, and that principality began its career under Russian influence. Eastern Rumelia was indeed organized by a European commission, but here again Russian intrigues and capacity secured the control of the province for the Bulgarian element, and Turkish authority remained very nominal. Moreover, in deference to British advice, and in view of the strong anti-Turkish sentiment of Eastern Rumelia, the Sultan declined to garrison the Balkan passes; which has been the chief reason for separating Eastern Rumelia from Bulgaria! The one preventive of the union of the two, Bulgaria, was now removed.

In the reform of the Ottoman administration an equally lamentable failure is to be credited to British diplomacy. In European Turkey practically nothing was done by the Porte, for Sir Henry Layard could not force Abdul Hamid to honest or effective action. The Cyprus Convention made Great Britain particularly responsible for the reform of the Asiatic territories, and the other Powers washed their hands of that troublesome problem. British military consuls were sent to the various vilayets of Asia Minor who made exhaustive reports to Sir Henry Layard and Lord Salisbury. The Porte, however, not only refused seriously to attack the question of reform, but actually encouraged misgovernment, and conditions went from bad to worse. Only force would avail against the obstinate Sultan, and that the British Government dared not use alone, even if it had desired to do so.

It was probably due to a desire to recover its waning influence at Constantinople that the Conservative govern-

ment refused to exert pressure to bring about a prompt and satisfactory settlement of the Greek and Montenegrin frontier problems. The little principality of the Black Mountain had been granted an accretion of territory by the Berlin Treaty, and the frontier had been definitely laid down. The Porte surrendered the more important positions in order to get the Russian troops out of Turkey, but it managed to raise innumerable questions of detail. Various compromises were proposed, but Great Britain would not act vigorously, and as the Porte was allowed to encourage an Albanian League, which declared that further concessions were impossible, the matter remained unsettled when Lord Beaconsfield's ministry fell in April 1880.

In the case of Greece the story is even sorrier. The Greeks had been restrained from attacking Turkey during a war with Russia only by virtual promises from the British Foreign Office to secure a full hearing of their case at the Congress. There, however, Lord Beaconsfield executed a *volte face*, and the plenipotentiaries could only advise Turkey to effect an amicable and equitable arrangement with her southern neighbor. It is hardly necessary to say that this was not done. For although France exerted her best influence in favor of the Greeks, the indifference of Lord Salisbury and Sir Henry Layard encouraged the Porte to resist claims which by the wording of the treaty were shadowy and undetermined. The question therefore remained unsettled in April 1880.

The advent of Mr. Gladstone to power raised high hopes in all opponents of Turkey. The Liberal party, when in opposition, had not approved the Treaty of Berlin, except so far as it decreased the opportunity of the Turks to oppress the unfortunate Christians of the Near East. But as responsible statesmen they determined to carry out, if possible, a treaty which was an accomplished fact. Lord Granville, who went to the Foreign Office, promptly issued a cir-

cular to the Powers, enumerating those stipulations of the Treaty which had been ignored and bespeaking the cooperation of Europe in the matter. Lord Granville deserves great credit for trying to galvanize the Concert of Europe into some sort of life, but his success cannot be described as overwhelming. The German Powers would not hear of force, and Russia had taken her revenge by securing the ear of the Sultan, who could now safely ignore requests for reforms or demands for the cession of territory. So it came about that in spite of his good intentions Lord Granville was as helpless as Lord Salisbury had been. He did manage to secure some sort of settlement of the two frontier questions, which in the case of Montenegro involved the sending of an international squadron to the Adriatic. But all progress was dependent upon the good will of Berlin, and the solutions, such as they were, resulted chiefly from the desire of the Porte to have its hands free for the larger issues upon which it might have to confront some or all of the Great Powers. So in the matter of reform, an excellent statute for the European provinces had been drawn up by an international commission. Lord Granville could not persuade the Sultan to apply it. Armenia continued to have no interest for the other Powers, and the continued representations of Lord Dufferin, who was now British ambassador, were entirely devoid of effect. Thus in 1885 the Liberal government could not claim any better record than its predecessor, except that it had sincerely exerted itself to secure an execution of the Treaty of Berlin handed on to it by the Conservatives.

This complete failure to regenerate the Ottoman Empire produced a marked change in British diplomacy, which, in spite of the usual protestations of friendship, gradually became hostile to Turkey. The reason is not far to seek: a refractory and weakened Turkey, so far from guarding the route to India, would invite aggression, and Great Britain must protect her interests in other ways, even at the expense

of Turkey herself. Hence the occupation of Egypt in 1883, which, though ostensibly caused by the collapse of the Khedivial government, had for its real purpose the guarding of the Suez Canal and the control of the main highway to the Far East. Egypt might remain in theory a province of the Sultan, but so thorough was the British "occupation" that the land was practically a British colony, and the "integrity and independence of the Ottoman Empire," which Great Britain had so often intervened to protect, was an exploded fiction to be classed with Lord Beaconsfield's airy statement to the Congress of Berlin that Turkey was "not a worn-out state."

The alienation of Turkey rather increased than diminished the distrust of Russia, which was cherished even in British Liberal circles after the hectoring Russian policy in Bulgaria was unmasked. When, therefore, the Russians, by an extraordinary series of mistakes succeeded in incurring the positive hostility of the Bulgarians, the way was open for a new departure in British policy. The Philippopolis revolution of 1885 effected the union of the two Bulgarias that had been separated at Berlin seven years before on the express demand of Great Britain. Consistency required the Powers to forbid the destruction of a solemn treaty, especially by a small and young state, and the other Powers protested. But from the very beginning the British Government and British public opinion backed the Bulgarians, who took their own part with great courage and infinite resource. It must have gone hard with Abdul Hamid to recognize the *fait accompli*, but he did so with tolerable grace. The fall of the Salisbury ministry and the installation of Lord Rosebery at the Foreign Office allowed Russia to insist on conditions more favorable to her interests in the principality, but the union was maintained, and British diplomacy secured a noteworthy triumph at the expense of Russia and Turkey, who were drawn together by the logic of events.

The Russians now tried to even up the score by having Prince Alexander kidnapped and a prince of their own choosing installed on the throne of united Bulgaria. Lord Salisbury, once more in office, objected, and Prince Alexander returned to his people. After the latter's abdication, it was Lord Salisbury's firm stand coupled with the support of Austria, which enabled Prince Ferdinand, whom the Bulgarians elected in defiance of Russia, to hold his position against the united opposition of Tsar and Sultan. Thus British diplomacy had finally adopted the course so eloquently urged by Sir William White, the ambassador at Constantinople,—the support of the young nationalities of the Balkans against Turkey and Russia alike. The extent to which this new policy was applied in the years after 1887 is beyond the scope of the thesis.

The above abstract was written some years ago. In view of the state of war now (1916) existing between Great Britain and Turkey, it may not be out of place to add a few words showing the relation of British policy to that catastrophe.

The outstanding fact was that the British occupation of Egypt made Turkey permanently distrustful of Great Britain and after the Porte had at the last minute rejected a convention providing for the evacuation, the British Government assumed, at first tacitly and later publicly, that the occupation was permanent. From the Turkish point of view, the Anglo-French agreement of 1904, by which France renounced her opposition to the British occupation, was an unpardonable offence; to which was added, in 1906, the refusal of Great Britain to recognize Turkish pretensions to the port of Tabah on the western shore of the Gulf of Akaba. Above all, Turkey passed gradually under German influence, and was encouraged to believe that with the assistance of the

Kaiser, she might recover her hold on Egypt. It was partly with this end in view that Turkey allowed Germany to construct the Baghdad railway, which for many years aroused the suspicion and opposition of Great Britain. On the eve of the Great War an agreement had been reached between Great Britain, Germany, and Turkey which safeguarded the interests of Great Britain and ensured the completion of the line. But the war upset the programme before Anglo-Turkish relations had been fully adjusted, and Turkey was not unnaturally carried away by the temptation to strike at Egypt while Britain's hands were supposedly full with other problems.

Meanwhile, on the basis of the Treaty of Berlin, Great Britain continued to urge reforms on the Turks. Lord Rosebery and Lord Salisbury championed the cause of the Armenians; only diplomatically, however, for any attempt to use force would doubtless have precipitated a general war. In the Cretan question, Great Britain was to the fore in securing for that island an autonomy that paved the way for its annexation to Greece. When the present century opened, the condition of Macedonia had become intolerable, thanks to the refusal of the Porte to apply the statute drawn up in 1880. Two successive British foreign secretaries, Lord Lansdowne and Sir Edward Grey, strove for many years to revive the Concert of Europe and force Turkey to set her house in order. Little was achieved, except that Britain incurred the ill-will of the Turkish governing classes; nor was any change effected by the Revolution of 1908-1909. For the Young Turks soon revived the methods of Abdul Hamid and ignored the counsels of moderation sent from England. In short, the more Great Britain endeavored to discharge the duties laid upon her by the treaty of Berlin and the Cyprus Convention, the greater was the dislike felt for her by official Turkey. And it availed her nothing that she protested against the annexation of Bosnia-Herzegovina by Austria, the closest

ally of the Germany who was posing as the best friend of the Sultan. By 1912 the breach between Great Britain and Turkey, though not formal, was tolerably complete.

In the autumn of that year the Balkan League practically drove the Turks from Europe. Public opinion in England applauded, Mr. Asquith openly expressed his sympathy with, the Christian states. Sir Edward Grey not only gave the Turks no diplomatic support, but warned them that for the future they need expect no assistance from Great Britain unless they followed her advice. It is not really true that British policy was responsible for the collapse of Turkey, for successive British ministers did their best to regenerate the Ottoman political organization: actually Germany was largely to blame, for she had not vetoed the Balkan war as she might have done, she had not restrained her allies, Austria and Italy, from seizing parts of Turkish territory. But Turkey had long since thrown in her lot with Germany, and when the Anglo-German conflict opened, it was inevitable that the Turks should follow their masters. Not the seizure of the two Turkish battleships by Great Britain nor the arrival of two German cruisers in the Dardanelles, but the relations between Great Britain and Turkey in the generation following the Treaty of Berlin explain the final rupture in November 1914. The chief blame attaching to Great Britain is that in 1878 she unwisely compelled a revision of the Treaty of San Stefano and secured a new lease of life for the Sick Man; by which she raised up another enemy for herself in the war of 1914.

The wheel has come full circle in the case of Bulgaria as well. The San Stefano Treaty set up for the Bulgarians the ideal of a Greater Bulgaria, and Great Britain vetoed that ideal. But the Bulgarians continued to cherish it, all the more so after British policy, by reversing itself, sanctioned the first step towards realizing it. In 1912 Bulgaria attacked Turkey to conquer Bulgarian Macedonia; she managed to

lose it to Serbia and Greece, and Britain stood aside in the hour of trouble. No wonder, then, that when Britain's own hour came, Bulgaria forgot what she owed to British diplomacy in 1885, and like Turkey, joined the enemies of Great Britain. It is, of course, easy to be wise after an event, but it seems clear that the "peace with honor" which Lord Beaconsfield brought back from Berlin in 1878 failed to justify itself in the thirty-six years between its signature and the outbreak of the war of 1914.

**EUSTACHE DESCHAMPS AS A COMMENTA-
TOR UPON THE EVENTS AND CON-
DITIONS OF HIS TIME**

**BY
OTTO PATZER**

**ABSTRACT OF A THESIS PREPARED
UNDER THE DIRECTION OF PROFESSOR LUCY GAY
1907**

EUSTACHE DESCHAMPS AS A COMMENTA- TOR UPON THE EVENTS AND CON- DITIONS OF HIS TIME

OTTO PATZER

The study of which this paper is a résumé, attempts, by a comparison between quotations from the works of Eustache Deschamps and from historical writers who were interested in the century in which he lived, to show that the rôle of Deschamps as a historian is a very insignificant one. This résumé has left aside practically all quotations, and presents simply the substance of what Deschamps tells us concerning the period in which he wrote.

Eustache Deschamps was perhaps more interested in contemporary affairs and wrote more concerning the events and conditions of his time than any other French poet except Froissart. A large number of his poems treat of the disorders of the Church and of the State, the confusion in the country caused by the wars with England, the havoc created by the soldiers, the misery of the peasants overburdened by and pillaged by the hostile armies and the great companies, the revolts of the peasants and of the towns, the abuses in the administration of finance and justice, etc. Petit de Juleville calls him the "journaliste en vers" of the century and speaks of the precision of his poems which, he says, are "de vrais documents historiques." He says further that if a separate classification were made of the historical poems, Deschamps would appear as the official poet of France and of the reigning dynasty, celebrating one by one all the great events of interest to the nation and in-

scribing them in this sort of political annals. "Il est l'historiographe en vers du roi et du royaume pendant près de quarante ans." The purpose of this study is to determine to what extent this statement is true; to what extent he reflects the events and conditions of his time in his works.

Deschamps was born about 1346, the year of the battle of Crécy, in the latter part of the reign of Philip VI; and this battle is the first event that he mentions in writing of contemporary affairs. His commentary concerning it consists of four lines, addressed to *Folie*:

"Tu gastas bien tout a Crécy,
Au temps du vaillant roy Phelippe
De Valloys; fait faire as la lippe¹
Aux Francois, qui trop t'ont creu."

Miroir de Mariage, Chap. 94.

¹ grimace

He has nothing to say about the causes of the war, the alliances formed, the early battles, the truce of 1340, etc.,—nothing except that Folly spoiled everything at Crécy and made the French win.

The next event that he mentions is the battle of Poitiers. He is silent concerning the events between Crécy and Poitiers. He says nothing of the taking of Calais, of the truce that followed, of the trouble with Navarre, nor of the invasion of the south of France by the Black Prince. He gives but few details of the battle of Poitiers. In the poem quoted above, still addressing *Folie*, he says:

"Plus les grevas encore de tiers
A la bataille de Poitiers
Ou ta chaleur ne fut pas bonne.
La mourut il mainte personne."

He gives the names of some of the most noted of the dead. "Le treshardy roy" was captured, "en combatant en grant arroy" and he pays tribute to John's bravery. Philip, his son, was likewise captured and taken to England where he

remained until John was released.¹ That is all we learn from him concerning the battle.

Deschamps has related in considerable detail the operations following Poitiers, but this information loses some of its importance from the fact that it is mere translation of the chronicles. He tells us that the English king came to Calais with a large force, and proceeded to Rheims to lay siege to it; he lodged "a Saint Baale" which is "a IIII lieues de Reims." The positions of some of the English leaders are given. There was no assault, but entrance and exit were impossible. He tells us further that at the end of forty days the siege was raised, and the army moved on past Châlons. Brimont, and Rougemont from the Duchy of Burgundy came to treat with Edward and agreed to give him two hundred thousand florins if the English army would leave them in peace; Edward was to take food and provisions "pour son argent." Other marches and conferences are mentioned. The poet relates Edward's march on Paris and his stay before the city awaiting the assault that never came. The English moved on to Charels, where the French representatives met them, and peace was made. Deschamps gives the names of the plenipotentiaries on both sides, and tells in detail the terms on which peace was made, the territory ceded to England, and the money indemnity, both the amount and the manner of payment. This is followed by the names of the hostages who remained in England to insure that the provisions of the treaty be carried out.² These are the only direct references to the particular events of the English invasions found in Deschamps, and these are all translations, so that they may be said to be of no historical value whatever. He is but slightly and only incidentally concerned with the various operations of the wars. He is far more concerned with their results, the pillaging and burning, the poverty and desolation; the poems that treat

¹ *Miroir de Mariage*, Chap. 94. Translated from the *Grandes Chroniques*.

² *Miroir de Mariage*, Chap. 94. Translated from the *Grandes Chroniques*.

of these things form a considerable portion of his total works. He tells us that the country is being destroyed by the foreigner (310), the open country is laid waste, the people are reduced to poverty, their food is carried off with their stock (309), a hundred thousand men are killed, churches are in ruins (1171), one hears nothing but cries and lamentations (394), the people have no bread and cry out for vengeance (978). He tells us that his own home was burned in the neighborhood of Vertus, and that he was left destitute (835, 854) and the whole region was laid waste and will henceforth be deserted (836). He repeats the preceding statements again and again, in a large number of his poems, but nothing would be gained by noting them here. It is clear from what he says that this destruction was not brought on alone by the enemy, but that the French soldiers were almost as much feared as the English; they robbed and killed and did harm "à leurs amis" (1009); the soldiers, levied to defend the people "destruisent leur contrée," and pillaged whatever they could "sans rien paier" (64).

The soldiers restricted their operations pretty generally to times of war, but there were bands of marauders, called the Great Companies, that fought with either side or for themselves as their advantage lay, and waged war on their own account during the truces; these bands made their appearance early in the war and carried on their operations at various times from 1347 to 1382 and beyond; historians seem to agree that they were a veritable plague. Deschamps mentions these companies in different poems. In Ballade 5, for example, he shows the ruthlessness with which they operate, and the degradation that comes upon them:

"Car on devient, de ce suir, murdriers,
Lerres aussi . . .
. . .violeturs de moustiers,
Femmes ravir, ardoir vilainement,
Et ses voisins trahir mauvairement."

In another poem he calls the marauder various bad names—fox, cur, wolf:

“Goupil en faiz et mastin en courage . . .

Loups ravissans le sang de char humaine” (175).

These bandits, he says, overrun the country; shepherds can no longer defend their flocks against them; wolves that they are, they devour everything, and leave nothing behind them; the people are left poor and destitute (899). In only one poem concerning the companies, is it clear to which band and to what operations he is referring. That refers to the Sire de Coucy and his Bretons, who started for Germany in 1375, but who discovered that it was “plus doulx” in Champagne, where they pillaged and robbed. At Saint-Thierry they attacked the fair, and robbed the merchants and the church: “N’est pais qui ne s’en plaigne. . .”

It is evident from what has been said to this point, that, with the exception already indicated, Deschamps is extremely vague in his references to the wars, the military operations as well as the results upon the country. He tells us clearly enough with what ferocity the wars were waged, but he is clearly lacking in details of time and place of the events he relates and gives us no clear indication of the territory affected by this destructive warfare. The people are robbed and pillaged, their flocks driven off and their houses burned; he repeats these facts so often that he becomes wearisome, but a little more definiteness would have made the poems far more valuable as historical documents.

Deschamps has a few ballads in praise of Charles the Fifth, who did so much in so many ways in his reign of eighteen years (1362–1380) to restore the prestige of France and to counteract the reverses that the country had suffered under his immediate predecessors. Deschamps hints at the success of Charles and at the progress made by the kingdom during his reign, but aside from some of the military operations, particularly of Du Guesclin, he does little more than

hint at them, and if we were dependent upon him for knowledge of this period, very little would be known concerning it. The ballads relating to Charles are written at the time of his death in 1380. He tells us that the French, young and old, are weeping because of the loss of Charles "le Saige." He compares the dead king to Solomon; Charles enlarged France, amassed wealth; France is threatened with "assez d'annoy" by his death (165). If ever subjects were to weep for their lord—"Faire souspirs des dolens yeux, du cuer Tristesce avoir," now is that time (166).

He is also loud in his praises of the French military hero Bertrand du Guesclin. He considers him the hero of heroes, and compares him favorably with Alexander, Achilles, and Cæsar. We are told that Du Guesclin conquered for his king and brought peace to many provinces. He was the hero of "mainte grant provesce" and captured "mainte fortresce." He did great harm to the English and often defeated them, especially in Normandy, was taken prisoner in Brittany, then led his men and some of the Great Companies into Spain. On his return to France he was defeated by the Black Prince, then returned to Spain, where he was very successful. Other details are added concerning his exploits in Guyenne, Angouleme, Poitou, and Saintonge. In fact his coming was a blessing for the whole nation (312, 362, 652, 1125).

Deschamps took part in the French expeditions against the Flemish in 1382 and 1385. He has nothing but insulting words for the rebels, because they are traitors to their lord, and advises that the tree upon which this bad fruit grows be cut down (94). These sentiments are repeated in various forms. Of the Flemish he says that "trahir leur semble grant merite" (16); they are "traitres contre toute noblesse" (597); they deserve death, for through their uprisings other people are led astray (812). He tells us that in the battle of Rosebeck, forty thousand Flemish were engaged of whom

twenty-five thousand were killed (347), but this is almost the only detail he gives us concerning the expeditions. He does little but grumble at the discomforts of travel, the rain and the cold, and the dismal country that he saw.

Deschamps was very much in favor of another expedition that had been planned during the reign of Charles V, and for which preparations were made on a large scale in the early years of the reign of Charles VI. That was an invasion of England. He prophesies that England will be destroyed (67); he calls upon the princes to contribute toward the expedition, as it is a good strategic move to seek the enemy in his own country (310); it is better to defend oneself elsewhere than at home, and to conquer other lands (310). The English are to be deprived of their lands and possessions and the people are to be destroyed and the country laid waste (211). He shows impatience at the delays of the expedition; he who is well prepared ought not to be held back by wind and cold (1145, 1059). When all is ready, he advises the soldiers to behave so that none be dishonored, and to win back the renown they have lost (62).

Another project that was popular in France was the re-taking of Calais, and this, too, finds much favor with Deschamps. He thinks there will never be permanent peace until Calais is returned to the French (344). He advises that the attack be made, for there are but few to defend the town; it will be captured and the English will no longer be able to enter France, and Picardy will be freed from them, which would cause great joy (337, 359).

In speaking of the troubles that came to France during the imprisonment of King John, Deschamps thinks the Jacquerie, or uprising of the peasants in 1358, one of the worst. "Grant division" and "grant commotion" were brought about "dez menus contre noblesse." Of the ravages of the peasants he gives few details, confining himself to the statement that noble women and children were killed and their

houses destroyed. Concerning the vengeance carried out by the nobles against the Jacques, he tells us that the latter were hanged and decapitated after being overcome; "Maint gisioent aux champs com bestes." (*Miroir de Mariage*, Chap. 94.) He also alludes to the attack on the castle at Meaux, relating this event in considerable detail, the attack and defeat of the peasants and the burning of the town, but all this is translated from the *Grandes Chroniques*. The same is true of the revolt at Paris in 1358 led by Etienne Marcel, "prévost des marchands." He relates in translating from the *Chroniques* the murder of the two followers of the Dauphin, Jean de Conflans and Robert de Clermont, with whom his sympathies are; he tells us that the Dauphin wore the colors of Paris, which he finds very wrong; he calls Marcel a traitor, and accuses him of hiring English soldiers and of making alliances with several of the enemies of the king. He describes fully the scene leading up to and following the death of Marcel, and considers that he deserved to die. (*Miroir de Mariage*, Chap. 95.) But he tells us nothing of the beginnings of this revolt, of the dissatisfaction with the government caused by the French defeats, the new coinage, etc.

His attitude is the same toward the revolts in Paris and in other cities of France from 1378 to 1381 as it had been toward the Jacques and Marcel. He has nothing but blame for the rebels, and rejoices in their downfall. It is his opinion in general that the people are not fit for government, that it is wrong to raise them to high positions, that they are vile, thieving, ungrateful. Hence he is always on the side of the authorities against the rebels (173, 377, 384, 633, etc.). He pictures with satisfaction the scene at Montpellier when the people came to ask pardon for their misdeeds toward the king. We learn that the clergy, the cardinal, the University came in a great procession, and the people cried

for mercy. The keys of the city were given into the hands of the prince, the governors were discharged, and the clapper of the bell that had rung out the riot was detached (346). As to the uprising of the Maillotins at Paris, Deschamps informs us that there arose "un grant vent de paillars et coquins" who entered the Châtelet and released the prisoners. He was in Paris at the time and was so "esbahy" that he fled "commelièvre couars," but he was not alone in this for prelates and nobles fled like foxes: "Tels fu gouteux qui sault comme lipars." He tells us that the rogues assailed Saint Germain, destroyed wealth, killed innocent people, and were, all in all, worse than Saracens. He advises that they be hanged or decapitated as an example to others (379).

Concerning the Great Schism in the Church that began in 1378, Deschamps speaks of it very frequently and deploras the situation created by this division. He pays but little attention to the various stages through which the schism passed, or to the efforts made by various men and institutions to bring it to an end. He indicates its evils; he uses the words "union" and "council" here and there, but he can in no wise be said to give a clear idea of the various phases of the struggle between the different parties. In a general way, he pities the church divided into two factions: "La povre mere tresdolente desolee et desconfortee, de laquelle les entrailles sont tranchées et divisées en duex par le pechié et abomination de ses enfans forlignans de la voie de justice . . . envahie par deux soy-disant mes espoux qui par force et violence veulent mon unité convoiteusement tranchier en deux" (1397). He looks upon the Church as a monstrosity—a two-headed, two-backed beast leading the world astray (150); the Church has two husbands who have laid violent hands upon it; he calls upon the Prince to bring it back to unity (985); he advises that this two-headed beast

be placed in confinement to restore the Church to unity (955); the two popes will never of themselves bring the division to an end, because each prefers the power that he has to no power at all (1388); he wants the king to end the matter by a council, and urges the schools and universities to exhort the king to call such a council, so that this great error may be done away with, and a true pope be chosen (1012); he mentions the subtraction of obedience (1470), and notes with evident satisfaction the restoration of obedience, for he considers it a serious matter to have reprovved what so long was held in reverence; he hopes that this restoration may succeed better than the subtraction and takes occasion to censure the whole proceeding; he sees no way in which unity can be attained (1208).¹

Deschamps has a poem on the marriage of Richard II to Isabella, daughter of the King of France, and the hopes based upon this marriage to end the wars between the countries and to bring permanent peace (1181).

He also has something to say of the rivalry between the Dukes of Burgundy and Orleans. The country is in a bad way, as he says,—“*est garniz de descors*” when the regents are envious of each other (1353). He sees that they are divided and that division destroys any region and any kingdom (1436); civil war has broken out between the rivals (1495).

Deschamps, like many of the men of his time, was possessed by the crusading spirit. He is always urging that the Christians patch up their differences and unite against the common enemy, the infidel. In several poems he prophesies a crusade to free the Holy Land (49, 67, 68). This crusade does not take place, and in his *Complaincte de l'Eglise* he lays the blame to the schism; if the Church could be brought under one head, a united clergy could rid the Holy Land of its oppressors: “*vous puissiez entreprendre en*

¹ Cf. 978, 982, 1041, 1136, 1195, 1460, etc.

grant devocion la vengeance de vostre Pere et de sa loy, le sepulcre duquel les Sarrazins tiennent en si grant vilté, dés le temps de sa sepulture.” In 1396, when the Turks were invading Hungary, there was a chance to take vengeance upon the infidel, and a crusading band of French soldiers joined the Hungarians; in the battle of Nicopolis, the Christian army was utterly routed and most of the French knights were killed. Deschamps deplores their death and desires that they be avenged. He places the blame of the defeat upon the Hungarians, who, he said, fled with their king (1316); Froissart says that the defeat was due to the overhaste of the French.

Deschamps is much less vague in speaking of the general conditions of his time than he is considering the events. He is open and free, even bold, in his discussion of conditions in the Church and State. The rest of this outline will be taken up with the conditions in France as he sees them.

One of his chief complaints against the Church, a complaint to which he returns again and again, is that positions and honors in the Church are for sale, and are bought and sold like a commodity—i. e., simony. Some statements typical of his attitude are the following: The goods of God are for sale (400); the goods of Jesus are sold (981); Peter and Paul no longer have a hearing; their successors want money and no positions are filled before it is paid (961); Giézi and Simon govern the court of Rome, have caused dissension, and have polluted the sanctuary by selling the grace of God (*Miroir de Mariage*, Chap. 49); no poor clerk can obtain a benefice, the cardinals must be paid to obtain one (381); the words to buy and to sell have become common, and from them come Church dignities (1261); the divine sacrifice has been polluted, and honors sold for money (1293); simony will become so common that everything will fall into desolation (948).

The accumulation of benefices, that had probably never before reached such a stage as in the Fourteenth Century, is also vigorously attacked by Deschamps. He accuses the higher clergy of wishing to fill all the positions themselves and leave nothing for the lower; he asks how all these positions can be filled and their duties attended to by one man, while this man is leading a worldly life and is enriching his heirs from the revenues of the different positions; he advises such men to have compassion upon the poor clerks, and thus to avoid the damnation that these riches bring (1315). In another poem he shows that elections to ecclesiastical positions have ceased, for the central power has reserved everything for itself; for cardinals hold the positions of bishops, priors, and canons; the churches find it impossible to get men to fill the necessary positions; the pontifical court wishes to devour everything and rents benefices to laymen; it is cruel that two should devour these incomes and a thousand be left to starve (*Miroir de Mariage*, Chap. 49). This system results in great wealth and pomp for the higher clergy, that had become proverbial during the latter half of the century. "Grant pompe veut l'Eglise mener" and is seeking worldly state, vain-glory, and honors (988); the cardinals have palaces and estates more than laymen (1495); horses, fine kitchens, gowns, hermine, squires, are all theirs (369).

Deschamps who is forever harping upon the lack of justice in the courts, maintains that the ecclesiastical courts are far worse than the lay courts. He tells us that as many abuses and excess of extortions are not found in the ordinary courts as in the courts of the Church; that the Church insists on trying all sorts of malefactors, even those who are not ecclesiastics, if only they be tonsured; it is notorious that those who have money never have anything proven against them; the Church wants judges who never give sentence, but who sell it very dearly (*Miroir de Mariage*,

Chap. 48). The purse is the friend of all clerks and purges them of crime, for the Church desires life more than death (1285).

He also calls attention to the secularization and immorality of the clergy. Prelates are filling positions at the royal courts, the Church is profaned thereby (1108); he is pained to see that bishops and archbishops who have such noble benefices, "attrapent les mondains offices," for, coveting wealth, they have their bishoprics (*Miroir de Mariage*, Chap. 48); there is no truth at the papal court at Avignon (355); the Church is in desolation through sin, the cardinals have seized and strangled it (1195); he asks the churchmen where religion is, and who has taught them idleness and laziness (304); churchmen have become worldly and sinful, and dissension has sprung up among them (1495); there is no chastity in religion (1394); "publique est le lieu des nonnains" (943); "putains et maqueriaux" are devouring the wealth of the Church (1315). He finds in the loose living of the clergy the cause of the abandonment of the faith; those who see their priests live immorally follow their example. There has entered "incrédulité entre les gens" (985) because of the schism; the law of God and faith have disappeared; the priests try to make their flocks fast and free from sin, while they do the contrary and their flocks follow them (*Miroir de Mariage*, Chap. 48). For lack of defenders, and through the guilt of the shepherds, the flocks are in peril (*Miroir de Mariage*, Chap. 49); he exhorts the clergy to be good and loyal, and to leave off avarice and sin (*Miroir de Mariage*, Chap. 50).

Complaints against the administration of the finances were frequent and persistent during the Fourteenth Century. They were based principally upon fraudulent practices and disorders in the financial department, upon the number and avidity of the officers and upon the extravagance and prodigality of those in power. Deschamps joins in these com-

plaints. He shows that extravagance and excessive generosity, "orgueil, dispende, outrageus dons", throw the finances into disorder (1131); luxury is too great, the money is given out too fast, and the people will be reduced to poverty (1368). He has a large number of poems that allude to the dishonesty, rapacity, and wealth of the financial officers. They have all the wealth and the country is in poverty (300); they are rich from robbing the people and live in luxury on stolen wealth (1095); they are governing badly, and taking more than their share (1079). The number of functionaries must be reduced; as the doctor purges the patient, so must the king purge the government of some of these officers, who are robbing the people (1109); he who wishes to reign in wealth must reduce the number of his officials, and stop the excessive gifts and salaries (1179). He compares them to shearers of sheep who shear the flocks too often and too close to the skin (318); they are ravenous animals who take from the domestic animals all they have (341).

In the administration of justice as shown by the demands of the States-General, after the battle of Poitiers, abuses had crept in; cases were retried with more or less speed according to the favor or antipathy of the judges; justice was slow and costly, the magistrates being occupied mostly with making money. Deschamps finds much to complain of in the administration of justice. In his opinion, the rich and powerful are favored (1495); the judges dare to do nothing against the big thieves, but punish the innocent poor (304); he compares justice to a spider web that holds fast the small flies, while the large ones break through (390); justice is corrupted by avarice and the evildoers are not convicted (1293); justice is only a shadow (*Miroir de Mariage*, Chap. 47); anybody who has money can buy his release (912).

In summarizing the results of this study, it is evident that the principal fault of Deschamps as an historical commentator is his lack of directness and precision. His statements

are usually too general in character to give much insight into the things of which he speaks. In his poems on the war with England and the operations of the Great Companies, he says very little about the various stages and the specific operations of the war except when translating from the chronicles; on the other hand, his complaints against the ravages of the soldiers are numerous without being at all definite as to time and place. He limits his objections to high taxation to a few poems in which the people are said to be too closely cropped, without stating any facts concerning taxation, when it was applied, in what form, and in what amounts. He has nothing to say concerning another method of meeting expenses, namely, by the debasement of the currency. When discussing the Jacquerie, he is content with the assertion that horrible things took place, people were killed and houses were burned, but again these assertions are too broad, and little is learned from them. So with the uprising at Paris in 1358; he breaks into the middle of the narrative without a word as to the causes and the preliminary events. Of the reign of Charles the Fifth, aside from references to victories won by Du Guesclin, there is little said. There are only a few hints as to the various activities of the king, and of the comparative prosperity of the kingdom. The same is true of the various phases of the schism; he mentions the word "Union" and refers to the subtraction and restoration of obedience, but not in a way to give any facts about these things. He speaks of the evils and abuses of the clergy of his time, and complains bitterly of their actions; but he is silent concerning many of their activities. He says nothing of the struggle between the religious orders, between them and the secular clergy, nor does he speak of the efforts made by the clergy in behalf of learning and in resisting the various heresies of the times. The various questions that were agitating the clergy, such as the Immaculate Conception, the power of prophecies and visions,

grace and predestination are entirely ignored. And so down the list; everywhere there is a lack of detail and fullness in the presentation. So there seems to me to be a great deal of exaggeration in calling Deschamps "historiographe en vers" or "journaliste en vers" or in considering his poems as "de vrais documents historiques," for they are very far from being anything of the kind.

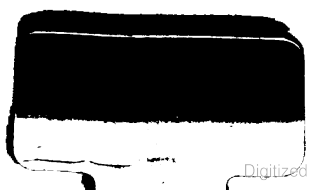
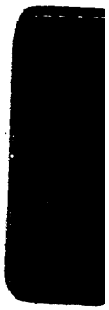
Deschamps cannot, however, be taken to task for not writing history. That was not at all his intention. It probably never occurred to him that his poems might be looked upon as historical documents. He commented upon things that were well known to his contemporaries, without bothering about the details; there was no doubt in their minds as to what he was talking about, or what his comments referred to. His works are already sadly lacking in poetry; they would have been far less poetic had he filled them with details and made valuable historical documents of them.

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